

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24661 of 2013

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Shiv Kumar Mahto S/O Late Sadhu Mahto Resident Of Village- Parbanda,
P.O- Fazilpur, Police Station- Beerpur, District- Begusarai, Retired While
Working As An Assistant Teacher From Govt. Middle School- Baraipura,
Anchal- Beerpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna.
4. The Deputy Secretary, Finance (Pay Fixation), Department, Government Of
Bihar, Patna.
5. The Director, Primary Education, Bihar, Patna.
6. The District Magistrate, Begusarai.
7. The Deputy Development Commissioner- Cum- Chairman, District Education
Establishment Committee, Begusarai.
8. The District Education Officer, Begusarai.
9. The District Programme Officer (Establishment), Begusarai.
10. The District Treasury Officer, Begusarai.
11. The District Accounts Officer, Begusarai.
12. The Headmaster Cum Drawing And Disbursing Officer Govt. Middle School-
Baraipura, Anchal- Beerpur, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the State : Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 17-09-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.



This writ petition was filed on 10.12.2013 with two advance copies to the office of the Advocate General. Unfortunately, even after five years the respondents have not filed any counter affidavit.

Learned counsel for the petitioner submits that the present writ petition is covered by the orders of this Court dated 1.5.1995 passed in CWJC No. 3633 of 1994 and 02.07.2009 passed in CWJC No. 13615 of 2001, as contained in Annexures- 4 and 5 respectively. Counsel further submits that the petitioner has filed representation addressed to the District Programme Officer (Establishment) Begusarai on 29.3.2013, which has not been disposed of as yet.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Begusarai to examine the case of the petitioner and if the case of the petitioner is covered by the orders Annexures- 4 and 5, necessary order may be passed by the respondents on the representation of the petitioner. It is clarified here that while taking decision the District Programme Officer (Establishment) Begusarai is required to obtain approval of the Director, Primary Education while granting consequential benefits to the petitioner. Final decision in this regard must be taken by the



respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2018
Transmission Date	

