

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19393 of 2012

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Arun Prakash Jha S/O Late Gopi Kant Jha R/O Village + Police Station-
Dhamdaha, District-Purnea, At Present Assistant Teacher In Project Girls
High School- Amour, Police Station- Amour, District- Purnea ... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources
Development Department, Government Of Bihar, Patna
 2. The Director, Secondary Education Human Resources Development
Department, Govt. Of Bihar, Patna
 3. The Regional Deputy Director Of Education Purnea Division, Purnea
 4. The District Education Officer, Purnea Respondent/s
- =====

with
Civil Writ Jurisdiction Case No. 19465 of 2012

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Bhim Shankar Jha Son Of Late Chiranjeev Jha Resident Of Village- Charaiya,
Police Station- Bhargama, District- Araria, At Present Assistant Teacher In
Lalit Narayan Laxmi Narayan Project Girls High School- Triveniganj, Police
Station- Triveniganj, District- Supaul Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources
Development Department, Government Of Bihar, Patna
 2. The Director, Secondary Education, Human Resources Development
Department, Govt. Of Bihar, Patna
 3. The Regional Deputy Director Of Education, Koshi Division, Saharsa
 4. The District Education Officer, Supaul Respondent/s
- =====

Appearance :

(In Civil Writ Jurisdiction Case No. 19393 of 2012)

For the Petitioner/s : Mr. Ram Sagar Singh

For the Respondent/s : Mr. S.D. Sanjay

(In Civil Writ Jurisdiction Case No. 19465 of 2012)

For the Petitioner/s : Mr. Ram Sagar Singh

For the Respondent/s : Mr. Manikant Mishra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 11-10-2018 For the reasons mentioned in I.A. No. 8885 of 2014,

the application for substitution is allowed. The name of original

petitioner namely, Bhim Shankar Jha is expunged and in place

of Bhim Shankar Jha the name of widow namely, Ranjana Devi

is substituted as petitioner.

Heard Mr. Ram Sagar Singh, learned counsel



appearing on behalf of the petitioner in C.W.J.C. No. 19393 of 2012 (Arun Kumar Jha Vs. the State of Bihar & Ors.) and in C.W.J.C. No. 19465 of 2012 (Bhim Shankar Jha Vs. the State of Bihar & Ors.) submits that respondents have issued notification granting benefit of trained scale but the monetary benefit has not been made available to the petitioner.

Considering the facts that the respondents have admitted entitlement of the petitioner and issued necessary notification recognizing the service of the petitioner at the same time. From the resolution dated whereby the respondents have decided to grant the benefit of arrears in five instalments to the serving teachers and pay arrears to those who retired in one go.

Considering the decision of the respondents dated 5.3.2018 both the writ applications are disposed of with direction to the respondents to strictly adhere to their resolution dated 5.3.2018 and ensure payment of arrears to the petitioners with effect from 1.1.1989 in five instalments as indicated in the resolution dated 5.3.2018.

In view of the above, the C.W.J.C. No. 19393 of 2012 is allowed.

The respondents are directed to ensure payment of arrears in five instalments as indicated in the resolution dated



5.3.2018. Similarly the C.W.J.C. No.19465 of 2012 is also allowed.

In view of the resolution of the State Government dated 5.3.2018 whereby the State Government resolved to ensure payment of arrears with effect from 1.1.1989, the respondents are hereby directed to work out entitlement of the substituted petitioner as original petitioner died on 22.4.2014 and as such the benefit of arrears from 1.1.1989 to 2014 may be paid to the substituted petitioner.

The entire exercise as to the calculation and payment may be made by the respondents within a period four months from the date of receipt/production of a copy of this order.

Since the petitioner Arun Prakash Jha has superannuated on 31.1.2018, the respondents are required to ensure payment of arrears in accordance with their resolution dated 5.3.2018 within the aforesaid period of four months

With the aforesaid, both the writ applications stand disposed of.

(Anil Kumar Upadhyay, J)

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