

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18904 of 2013

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Geeta Chaudhary Wife Of Sri Chandeshwar Chaudhary Resident Of Village
And Post - Diwan Ka Barka Gaon, Police Station - Sikraul (Buxar), District -
Buxar, At Present Resident Of Geeta Sadan, Civil Line, Buxar, P.O. & P.S. -
Buxar, District - Buxar, Pin Code - 802101

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources
Department, Govt. Of Bihar, Patna
2. The Principal Secretary, Human Resources Department, Govt. Of Bihar, Patna
3. The Director, Secondary Education, Bihar, Patna
4. The Regional Deputy Director Of Secondary Education, Patna Division,
Patna
5. The District Education Officer, Buxar District - Buxar
6. The Headmaster, Nehru Smarak High School, Buxar, District - Buxar
7. The Treasury Officer, District - Buxar
8. The Accountant General, Bihar ,Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	
For the State	:	Mr. Dhurjati Kr Prasad, GP-14
For the Acct. General	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 05-11-2018

The petitioner superannuated from service on 31.08.2009. Her grievance is with regard to counting of her past services rendered from 22.03.1973 to 07.09.1983. Her claim for continuity of services has been rejected on 18.02.2014, Annexure-B to the counter affidavit on the ground that the petitioner has not approached the authorities for counting of said period for the purpose of pension before 31.12.2011 and as such her application for such purpose was time barred. From Annexure-B to the counter affidavit it would be evident that the application of the petitioner



was received by the respondents one day after the date fixed i.e. 31.12.2011 and on that ground the claim of the petitioner has been rejected.

The petitioner superannuated on 31.8.2009 and she was asked to submit application for consideration of her case and only rejection of claim on the ground that there is delay of one day in submission of the application appears to be most unreasonable and arbitrary exercise of jurisdiction by the respondents. There is no averment in the counter affidavit that the petitioner was not entitled for counting of past service for the period from 22.3.1973 to 07.09.1983 and only on the ground that the application was reached on 01.01.2012, one day after the cut off date, considering the peculiar facts and circumstances of the case, the Court is of the view that the action of the respondents does not appear to be reasonable and accordingly, the order dated 18.2.2014, Annexure-B to the counter affidavit is quashed.

The respondents are directed to consider the case of the petitioner for counting past services for which they are required to examine the claim of the petitioner afresh notwithstanding the fact that the application of the petitioner was received one day after the date fixed. Fresh decision in this regard, with all consequential



benefits, must be taken within a maximum period of four months from the date of receipt/production of a copy of this order

The writ application is, accordingly, allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.11.2018
Transmission Date	

