IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7020 of 2013

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Rajendra Prasad Mahto Son Of Hari Mahto Resident Of Village - Bakar Chak, P.O. Dighari, Police Station - Suryagarha, District - Lakhisarai, Retired While Working As An Assistant Teacher In Govt. Primary School - Nawtoliya , Anchal Nagar Munger, District – Munger ... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education 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 Regional Deputy Director Of Education, Munger Division, Munger
7. The District Magistrate, Munger
8. The Deputy Development Commissioner-Cum-Chairman, District Education Establishment Committee, Munger
9. The District Education Officer, Munger
10. The District Programme Officer (Establishment), Munger
11. The District Treasury Officer, Munger
12. The District Accounts Officer, Munger
13. The Headmaster, Govt. Primary School - Nawtoliya, Anchal - Munger Nagar, District – Munger ... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Ashok Kumar Keshri

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

4 05-11-2018 Petitioner is aggrieved by the order contained in Annexure-12 whereby the District Superintendent of Education, Munger has rejected the claim of the petitioner after the order of this Court. The respondent DSE held out that Shiv Kant Jha case was wrongly decided by this court but no appeal was preferred within time and as such the direction in the case of Shiv Kant Jha was acted upon but that decision cannot be made available in the case of the petitioner.

The court fails to understand the reason assigned by the respondents as they cannot adopt different yardstick in the

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matter of extending the benefit, if the case of Shiv Kant Jha was decided by this Court and which was acted upon in relation to Shiv Kant Jha, the Court does not approve the action of DSE to adopt different attitude so far as the petitioner is concerned and deprecates his approach to find fault with the decision of this court.

Accordingly, the writ petition is allowed. The order contained in Annexure-12 is quashed.

The respondents are directed to work out the entitlement of the petitioner strictly in accordance with principle decided by this Court in Shiv Kant Jha case.

In view of the fact that petitioner has retired, the respondents are directed to take final decision with regard to all consequential benefits on quashing of Annexure-12 within a 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)

Ravi/-

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