

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4919 of 2016

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Ganga Ram Baitha Son of Late Gauri Shankar Baitha Resident of village -
Parahiya, P.O. Khujwa, P.S. Raghunathpur, District - Siwan Petitioner/s
Versus

1. The State of Bihar
 2. The Principal Secretary, Education Department, Government of Bihar, Patna
 3. The Director Primary Education, Education Department, Bihar, Patna
 4. The Regional Deputy Director of Education, Saran Division, Chapra
 5. The District Magistrate, Siwan
 6. The District Education officer, Siwan
 7. The District Programme officer (Eastablishment), Siwan... ... Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Advocate
For the Respondent/s : Mr. Arvind Kumar, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-02-2018 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

This writ petition was filed after serving two advance copies to the office of Advocate General on 9.3.2016. About two years approximately has passed now but respondents have not chosen to file any counter affidavit.

Under the aforesaid circumstances, the court is constrained to dispose of the writ petition instead of keeping the matter pending.

Learned counsel for the petitioner Mr. Bajrangi Lal submits that the issue raised in the present case is no more res integra. This issue has already been decided by this court in the case of Awadhesh Singh Vs. State of Bihar & Ors. reported in 2005(1) PLJR. The attention of this court was drawn to the statement in



paragraph-8 that similar benefit was granted to Fanindra Mohan Sinha and he was paid monetary benefit from the date of his promotion vide memo no. 2051 dated 30.05.2012.

Referring to the aforesaid instance, he submits that the petitioner is entitled to similar treatment but due to reluctance of the respondents the petitioner has been deprived from the legitimate claim of payment of monetary benefit from the date of his promotion.

In view of the above, the writ petition is disposed of with direction to the respondent who shall examine the claim of the petitioner and pass appropriate order in accordance with law within a period of sixty days from the date of receipt/production of a copy of this order.

It goes without saying that respondent Director is to ensure all monetary benefits arising out such decision within a further period of one month. In the event of delay in granting the monetary benefit indicated hereinabove, the payment will carry interest at the rate of 9 per cent from the date of accrual to the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

Ravi/-

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(Anil Kumar Upadhyay, J)

