

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19899 of 2010

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Sheela Devi W/O Sri Sukhdeo Prasad Singh R/O Vikramshila Nagar, P.O.
And P.S.- Kahalgaon, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Human Resources Development Department, Government Of Bihar, Patna
2. The Director, Secondary Education, Government Of Bihar, Patna
3. The Regional Deputy Director Of Education, Government Of Bihar, Patna
4. The District Education Officer, Bhagalpur, Distt.- Bhagalpur
5. Headmaster, Sir Sahay Girls High School, Kahalgaon, Bhagalpur
6. The District Treasury Officer, Bhagalpur, Distt.- Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Mishra, Advocate
For the State	:	Mr. Yogendra Pd Sinha(AAG-7)
		Mr. Rajeev Kumar Sinha, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 19-06-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The only issue required to be adjudicated in the present writ petition is whether the respondent-Principal Secretary has adjudicated the claim of the petitioner on the basis that the petitioner has actually discharged the responsibility of Founder Headmaster or not. From the order contained in Annexure-8, it appears that the Principal Secretary has passed order granting notional benefit from 2.10.1987 and actual monetary benefit with effect from 2.10.2002. There is no decision by the Principal Secretary that the petitioner has actually worked for the period from 2.10.1987 to 2.10.2002. He proceeded on the basis that others have been granted benefit



notionally irrespective of the fact that they have not worked as Headmaster.

In this matter where the petitioner has actually worked as Headmaster and the respondents have admitted entitlement with effect from 2.10.1987, there is no justification to deny the monetary benefit of such benefit of promotion. Accordingly, the order contained in Annexure-8 is quashed. The Principal Secretary is directed to re-examine the claim of the petitioner and if it is found that the petitioner was working as Founder Headmaster and continued to work as Founder Headmaster, he will extend the monetary benefit to the petitioner from the date of recognition of the services of the petitioner as Headmaster, i.e. 2.10.1987 upto 2.10.2002. Final decision afresh in this regard must be taken by the respondent- Principal Secretary within a period of three months from today and necessary monetary benefits must reach the petitioner within a further period of one month.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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