

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9610 of 2018

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Md. Israil, son of Late Abdul Gaffur, Resident of Mohalla/Village - Puraini,
Kumarkhand, Post + P.S. - Madhepura, District - Madhepura, Pin Code -
852112.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner,
Secondary and Primary Education Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Secretary, Finance Department, Government of Bihar, Patna.
4. The District Education Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Bhagat
For the Respondent/s : Mr. Jitendra Kumar Roy No-1 -Sc13

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 05-12-2018

Heard learned counsel for the petitioner and learned
counsel appearing for the State.

2. Petitioner superannuated on 28.02.2014 from the post
of Teacher of Madarsa No. 259, Madarsa Sabiria Majidia, Madheli
Bazar, District Madhepura. He claims leave encashment with
interest and submits that the Madarsa of the petitioner being a
Government Madarsa he has been held to be entitled to leave
encashment in view of the circular No. 237 dated 20.02.1990 of
the Department of Human Resources, Government of Bihar. He
submits that as per the Bihar Litigation Policy, 2011 similarly
situated persons ought to have been dealt with similarly and
referred to the case of *Charley Lazarus vs. The State of Bihar &*



Ors. in CWJC No. 23/2015 decided on 03.08.2015 that leave encashment to the employees of Government Madarsa is also payable. He further submits that against the said order, the State went in appeal being LPA No. 1856 of 2016, which was not interfered with by the Division Bench.

3. Considering that the matter has already been decided by this Court and is no longer *res integra* and also finding substance in the submissions of the learned counsel for the petitioner, this writ application is disposed of in the light of the order dated 03.08.2015, passed in CWJC No. 23/2015 upheld in LPA No. 1856 of 2016. Respondents are directed to pay the amount of leave encashment as per the entitlement of the petitioner within a period of two months from the date of receipt/production of a copy of this order before respondent no. 4.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2018
Transmission Date	NA

