

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11916 of 2016

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Ranjana Verma W/o Raj Kishor Prasad Verma R/o Lane No. - 2, Prabhat Nagar, Gobarsahi, P.S. - Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Higher Education, Bihar, Patna.
4. The District Education Officer, Muzaffarpur.
5. The District Program Officer (Est.), Muzaffarpur.
6. The Regional Deputy Director Education, Muzaffarpur.
7. The Head Master, Krishna Vibhuti Balika Uchch Vidyalaya, Kudhni, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Adv.
For the Respondents	:	Mr. Prabhat Kumar Verma, AAG III with Mr. Dr. Mankeshwar Tiwary, AC to AAG III

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-07-2018

Heard learned counsel for the petitioner and Mr. Prabhat Kumar Verma, learned Additional Advocate General III for the State.

2. The petitioner has moved the Court for the following reliefs :

(i) For issuance of an appropriate direction/s, order/s, writ/s to the respondents to pay all retirement benefit to the petitioner from the date of recognition of her services by the State Government



vide memo no. 443P, dated 30.08.2010 after calculating her initial date of appointment with effect from 20.11.1979;

(ii) For issuance of an appropriate writ/s, order/s, direction/s to the respondents to pay the arrear of salary to the petitioner with effect from 30.08.2010 till her date of superannuation i.e. 31.07.2014 when she superannuated from service and as the salary has been paid to other similarly situated teacher of the school vide office order dt. 15.03.2016 as contained in memo no. 676;

(iii) For issuance of an appropriate writ/s, order/s, direction/s to the respondents to pay the statutory interest to the petitioner upon the retirement benefit i.e. gratuity, provident fund, leave encashment etc. as admissible in law;

(iv) To pass such other order or orders as your lordships may deem fit and proper in the facts and circumstances of the case.

3. The issue which requires to be addressed is with regard to fixing the date on which the petitioner can be held to



have been validly appointed, either in terms of the Resolution of the then Managing Committee of the school in question or subsequently by any competent authority. The initial response of the authorities in the present writ application was that prior to 2010 the service of the petitioner, and other similarly situated persons could not be verified in terms of the stand taken by the Headmaster concerned. However, in the reply to the counter affidavit filed on behalf of the petitioner, copies of various documents/reports go to show that the authorities had accepted the appointment of the petitioner, from a much prior date. Learned counsel for the petitioner submitted that all such records are before the respondent no. 6.

4. At this juncture, learned Additional Advocate General III, very fairly stated that with regard to the prayer made for the salary for the period 30.08.2010 to 31.07.2014, the same has been verified and payment has also been made. However, with regard to the other benefits, the same being dependent solely on the fact as to from when, legally, the service of the petitioner can be reckoned, he submitted that as there are documents either in support or against the petitioner, some authority has to go into a fact finding exercise after



verifying all such records/documents and then record a finding. He, thus, suggested that the petitioner may approach the respondent no. 6, who be directed to decide the issue taking note of all the records which may be available in his office as well as whatever the petitioner may produce before him.

5. Learned counsel for the petitioner agrees to the suggestion of learned Additional Advocate General III.

6. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the respondent no. 6 to take a final decision with regard to the date from which the service of the petitioner can be reckoned to be valid in the eyes of law for the purposes of all her claims, including payment of salary for prior periods to what has been paid as well as the consequential retiral dues, expeditiously and latest within a period of two months from the date of production of a copy of this order. The Court would further give liberty to the petitioner that she may file a fresh representation before the respondent no. 6 at the time of serving a copy of this order enclosing further materials she may have, which may be relevant for the purposes of consideration of her case.



7. It goes without saying that based upon the order by the respondent no. 6, if it is found that the petitioner is entitled to any further payment, the same shall also be paid to her within the next two months.

(Ahsanuddin Amanullah, J)

Shamshad/-

AFR/NAFR	NAFR
Uploading Date	05.07.2018

