

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14056 of 2018

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Mira Roy, Wife of late Surendra Chandra Roy, Resident of Village- South Bhatta, Purnea Higher Secondary School, K. Hat Police Station- K. Hat, District- Purnea, At present resident of new Town Para, Ward No. 20, Jalpaiguri, Police Station- Jalpaiguri, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Purnea.
5. The Headmaster, Bhatta Middle School (Bengali), Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Prabhakar Jha- Gp27

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner retired as Assistant Teacher from Government Aided, Bhatta Middle School (Bengali), Purnea and claims payment of leave encashment with admissible interest.

Learned counsel for the petitioner submits that similar relief has been given to other employees of the Government Aided Minority Schools and in view of the Bihar Litigation Policy similarly situated persons ought to be dealt with similarly. He also placed reliance in the case of Raghvendra



Kumar Vs. The State of Bihar & Ors. in C.W.J.C. No. 3522 of 2018 wherein this Court vide order dated 11.12.2018 has held a similar view as has been rendered in the case of Charley Lazarus Vs. The State of Bihar & Ors. decided on 03.08.2015 in C.W.J.C. No. 23 of 2015 which allowed payment of leave encashment as per entitlement of the said employee and was affirmed by the Division Bench in L.P.A. No. 1856 of 2016 vide order dated 16.03.2017.

Considering the facts of the case, this writ application is allowed in terms of the order passed in C.W.J.C. No. 3522 of 2018 dated 11.12.2018. The respondent no. 4, the District Education Officer or now named as District Programme Officer (Establishment) Purnea is directed to pay the amount of leave encashment as per the entitlement of the petitioner within a period of four months from the date of receipt/production of a copy of this order before the respondent no. 4.

Writ application is allowed accordingly.

(Nilu Agrawal, J)

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