

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.202 of 2018

In

Civil Writ Jurisdiction Case No. 9917 of 2017

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Smt. Neelam Kumari wife of Narendra Kumar Sinha resident of Mohalla -
Panchwati Colony, Police Station - Phulwarisharif, Post Office - Anishabad,
District - Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Administration-cum-Additional Secretary, Government of Bihar, Patna.
3. The District Education Officer, Bihar, Patna.
4. The Accountant General, Bihar, Patna.
5. The Principal, Government Girls High School, Gardanibagh, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lala Sheshendra Narayan Rais, Advocate

For the State : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 27-06-2018 Having heard learned counsel for the parties, we are of the considered view that the issue of payment of gratuity and leave encashment to the petitioner is now to be re-considered by the Department afresh in the light of the order passed by a Full Bench of this Court in the case of Arvind Kumar Singh Vs. State of Bihar, 2018 (2) P.L.J.R. 933.

That being so, we allow this appeal in part, quash the order dated 9.1.2018 passed by the learned Writ Court in



C.W.J.C. No. 9917 of 2017 and remand the matter back to the Department to take a decision with regard to the payment of gratuity and leave encashment in the light of the law laid down in the case of Arvind Kumar (supra).

On the petitioner filing a certified copy of this order along with a detailed representation, the issue shall be decided by the Department within a period of two months thereof by a speaking order.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/-

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