

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8830 of 2018

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Brij Nandan Prasad, son of Late Nathey Singh, resident of Mohalla- Purani
Jakkanpur, Baidyanath Mahto Marg, P.S. Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-Cum- Commissioner,
Secondary & Primary Education, Govt. of Bihar, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The Secretary, Finance Department, Govt. of Bihar, Patna.
4. The District Education Officer, Patna.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks leave encashment from the date after
his superannuation on 30.08.2009 from the post of Assistant
Teacher in Non-Government Aided Minority High School, Daya
Nand Vidyalaya Mithapur, Patna. He submits that the similar
matter have come for consideration before this Court and this
Court in C.W.J.C. No. 10535 of 2016 in the case of Raghib
Hassan Vs. The State of Bihar and Ors. and vide order dated
23.12.2016 this court had found those persons were entitled to
leave encashment after their retirement in view of the resolution
no. 237 dated 20.02.1990.

Considering the nature of prayer made by the writ



petitioner, this writ application is allowed in terms of the order passed in C.W.J.C. No. 10535 of 2016. The respondents are directed to pay the dues of leave encashment to the petitioner as per its entitlement preferably within a period of three months from the date of receipt/production of a copy of this order failing which the respondents shall be liable for payment of interest at the rate of 18% per annum on such delayed payment from the date the amount became due till the date of its actual payment.

(Nilu Agrawal, J)

devendra/-

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