

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4791 of 2018

Ivy Lotika Ghosh @ Aibi Lotika Ghosh, Wife of late S.N. Ghosh, Resident of Mohalla – C/O Shashi Ranjan Rastogi, Professor Colony, Red House Compound, West Church Road, Police Station – Rampur, Gaya, District-Gaya.

... .. 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, Gaya.
5. The District Programme Officer (Establishment), Gaya.
6. The Headmaster, Mission Kanya Middle School, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar
For the Respondent/s	:	Mr. Smt. Shilpa Singh- Ga12

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 18-12-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. Petitioner prays for payment of unutilised earned leave/leave encashment who retired as Headmistress from Aided Mission Kanya Middle School, Gaya.

3. Learned counsel for the petitioner submits that similar relief has been granted to the teachers of Minority School being CWJC No. 23/2015 dated 03.08.2015 upheld in LPA No. 1856/2016 dated 16.03.2017 and similar view has been taken by this Court in CWJC No. 3522 of 2018 and another



analogous case decided on 11.12.2018.

4. Learned counsel for the State, however, submits that the SLP has been preferred before the Hon'ble Apex Court against the order passed in LPA 1856/2016 but he could only produce the diary number and apart from that no order from the Hon'ble Supreme Court of India could be produced.

5. Considering the aforesaid, this writ application is allowed in terms of the order dated 03.08.2015, passed in CWJC No. 23/2015 and affirmed by the Division Bench in LPA No. 1856/2016. Respondent No. 5, the District Programme Officer (Establishment), Gaya 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 respondent No. 5.

(Nilu Agrawal, J)

Rajesh/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.01.2019
Transmission Date	NA

