

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10629 of 2018**

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Jafrul Islam Numani son of Late Md. Idris, resident of Mohalla/ Village-  
Madarsa Mohamadia, Puraini, Ward No. 14, Post- Srinagar via Kumarkhand,  
P.S.- Puraini, District- Madhepura, Pin Code- 852112.

... .. 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 Government of Bihar, Patna
3. The Secretary Finance Department Government of Bihar, Patna.
4. The District Education Officer, Madhepura.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Bhagat  
For the Respondent/s : Mr. Madhaw Pd. Yadaw- Gp23

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      10-12-2018                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner retired from the post of teacher on  
31.08.2017 from Madarsa No. 258, Madarsa Mohamadia,  
Puraini, District-Madhepura which is a Government Madarsa.

Petitioner claims Leave Encashment with interest in  
view of circular no. 237 dated 20.02.1990 of the Department of  
Human Resources, Government of Bihar. He submits that  
similarly situated persons have been granted the benefit of  
Leave Encashment and as per the Bihar Litigation Policy, 2011  
similarly situated persons ought to be dealt with similarly. He  
referred to the case of **Charley Lazarus Vs. The State of Bihar**



**& Ors. in C.W.J.C. No. 23 of 2015** decided on 03.08.2015 that leave encashment to the employees of the State Government is also payable. He submits that even in the LPA being LPA No. 1856 of 2016 preferred by the State, the Division Bench has not interfered with the order of the learned Single Judge. Taking the same view, this Court also in C.W.J.C. No. 9610 of 2018 dated 05.12.2018 has also held the same view.

Considering that the matter has already been decided by this Court and is now longer res integra, this writ application is disposed of in the light of the order dated 05.12.2018 passed in C.W.J.C. No. 9610 of 2018. Respondents are directed to payment of leave encashment as per his entitlement within a period of two months from the date of receipt/production of a copy of this order before respondent no. 4.

Writ application is disposed of accordingly.

**(Nilu Agrawal, J)**

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