

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10288 of 2017

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Bimal Kumar Roy, S/o Rajan Prasad, Resident of -Neat Methodist Church Compound, Arrah, Bhojpur, P.S.-Nawada, District-Arrah.

... .. 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, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer, Bhojpur at Arrah.
5. The Headmaster, Catholic high School, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar
For the Respondent/s	:	Mr. S.C. Mishra- Sc16

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2018 Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Madhukar Mishra, learend AC to SC-10.

The petitioner has prayed for payment of the Earned Leave/Leave Encashment amount since he has retired from the service as Assistant Teacher from Catholic High School, Arrah as Government Aided Minority School on 31.01.2007. The petitioner was appointed as Assistant Teacher on 01.02.1972 in the said school and retired after satisfactory service on 31.01.2007 and after his retirement, all retiral dues, i.e. G.P.F., Gratuity, Group Insurance have been paid to him except the leave encashment of 300 days.

The only issue involved in the writ application is



whether a teaching employee of a Government Aided Minority School has right to get the leave encashment amount. Earlier by virtue of the policy of the State Government issued letter vide letter No. 23/B 1-42/82 C 68 dated 06.06.1983/29.06.1983, the teachers of aided minority school were only entitled for pension including Family Pension, Gratuity and Provident Fund but excluding Group Insurance and Earned Leave Encashment. The said policy decision of the Government has subsequently been modified vide letter No. 12/B-8-58/87C 645 dated 31.07.1987 and which was reiterated vide letter dated 20.02.1990 and considering the said decision of the Government, a Bench of this Court vide order dated 31.08.2015 passed in C.W.J.C. No. 23 of 2015 (Charley Lazarus Vs. The State of Bihar and others) held that the teachers of aided minority school are entitled for encashment of Earned Leave amount. The said order has been affirmed by the Division Bench of this Court vide order dated 16.03.2017 passed in Letters Patent Appeal No. 1856 of 2016 (The State of Bihar and others Vs. Charley Lazarus). Similar view has been taken by a Bench of this Court vide order dated 20.04.2017 passed in C.W.J.C. No. 11000 of 2016 (David Peter Vs. The State of Bihar and others) allowing the encashment of Earned Leave while relying upon the view taken by a Bench of



this Court in the case of Raghiv Hassan Vs. The State of Bihar & Others being C.W.J.C. No. 10535 of 2016.

However, a counter affidavit has been filed on behalf of respondent no.4, District Education Officer, Bhojpur at Ara and in paragraph no. 9 it has been stated that necessary steps has already been taken to resolve the grievance of the petitioner.

Paragraph 9 of the counter affidavit reads as follows:-

“That in view of the facts stated hereinabove the necessary steps has already been taken to resolve the grievance of the petitioner.”

In view of the fact that the necessary steps have already been taken to resolve the grievance of the petitioner, no useful purpose will be served in keeping the writ application pending and accordingly, respondent authorities, particularly, respondent no. 4 is expected to take a decision and make payment within a period of eight weeks from the date of receipt/production of a copy of this order since the petitioner has superannuated about 11 years ago.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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