

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6065 of 2019

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Deo Chandra Jha, Son of late Nageshwar Jha, Resident of Village- Shanti Nagar, Newalal Chaowk, P.S. Marauja, District- Purnea.

... .. 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, Purnea.
5. The District Programme Officer (Establishment), Purnea.
6. The Headmaster, Bhatta Middle School, Bhatta, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Subhash Chandra Mishra (Sc16)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-04-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner in the present writ application seeks payment of leave encashment along with admissible interest who retired from the post of peon on 30.11.2012 from the Government owned Minority School being Aided Bhatta Middle School, Bhatta, Purnea.

Learned counsel for the petitioner submits that as per the policy decision of the Government as contained in Circular dated 20.02.1990, a conscious decision has been taken to grant Earned Leave to the retired employees of a Government Aided



Minority Schools and submits that large number of employees of such Minority Schools have been granted leave encashment.

The matter is no longer res integra as held by the learned Single Judge in 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 and affirmed by the Division Bench in **L.P.A. No. 1856 of 2016** by order dated 16.03.2017 wherein similar matters have come for consideration and the writ application was allowed with a direction to pay leave encashment as per their entitlement.

Considering the nature of claim, this writ application is disposed of in terms of the order passed in C.W.J.C. No. 23 of 2015 and affirmed by the Division Bench in L.P.A. No. 1856 of 2016 with a direction to respondent no. 5, the District Programme Officer (Establishment), Purnea 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 the copy of this order before the respondent no. 5.

(Nilu Agrawal, J)

devendra/priyanka

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