

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7824 of 2019

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Ghulam Junaid @ Ghulam Junaid Alam Son of Late Molivi Mohammad
Kayam Permanent Resident of Village- Milkian, P.O.- Moghal Biraicha, P.S.-
Barauli, District- Gopalganj, at present resident of Village- Jangalia, Ward No.
15, P.S. Gopalganj Town, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-Cum- Commissioner,
Secondary and Primary Education, Government 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, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Respondent/s : Mr. Ram Vinay Pd. Singh, AC to GA-12

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner who retired from service from the post of
Assistant Teacher (Fazil) w.e.f. 31.08.2017 from Madarsa
Islamia Gopalganj seeks payment of leave encashment. A policy
decision has been taken by the State Government vide Circular
No. 237 dated 20.02.1990 of the Department of Human
Resources, Government of Bihar that persons from minority
schools including Madarsa are entitled to leave encashment. He
submits that similarly situated persons have been granted similar
relief in the case of Charley Lazarus vs. State of Bihar & Ors.



(CWJC No. 23 of 2015) decided on 03.08.2015 and has been upheld by the Division Bench in LPA No. 1856 of 2016. He submits that as per the Bihar Litigation Policy similarly situated persons should be treated similarly.

Considering the nature of claim made by the petitioner, this writ application is allowed with a direction to the respondent no. 4, The District Education Officer, Gopalganj to look into the claim of the petitioner and pay the amount of leave encashment as per the entitlement of the petitioner within a period of two months from the date of receipt/production of the copy of this order.

(Nilu Agrawal, J)

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