

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12585 of 2012

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Dharm Deo Pd.singh S/O Late Ram Narayan Pd. Singh R/O Vill-Madhapur
Ram, P.O.-Imadpur, Distt-Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner cum Secretary, the Department of Human Resources Development, Bihar, Patna.
2. The Grievance Redressal Committee, State Of Bihar Through Its Secretary, Human Resources Deptt. Govt. Of Bihar, Patna
3. The Director, Secondary Education , Bihar, Patna
4. The Regional Deputy Director Of Education , Distt-Vaishali At Hajipur
5. The District Education Officer, Vaishali At Hajipur, Vaishali \
6. The Headmaster , Adarsh High School, Sarai, P.O.P.S.-Sarai, Distt-Vaishali
7. The Treasury Officer, Vaishali, P.O.P.S.-Hajipur, Vaishali
8. The Accountant General AandE Bihar, Beerchand Patel Path, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Lakshmi Kant Tiwary
For the Respondent/s	:	Mr.Sanjay Kumar, AC to AAG-4
For Accountant General	:	Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-08-2019

Initially the present writ petition was filed for grant of
retiral benefits which has now stood paid during the pendency
of the present writ petition. However, the learned counsel for the
petitioner submits that the retiral benefits of the petitioner are
required to be recalculated and revised as per the judgment
passed by the learned Full Bench of this Court dated 18.04.2019
passed in L.P.A. No. 1568 of 2011 (The State of Bihar & Ors.
Vs. Smt. Asha Sharma) and other analogous cases, paragraph
No. 42 whereof is reproduced herein below:-



“(42) Accordingly, we hold that teachers appointed prior to grant of permission shall reckon their service from the date of grant of permission for establishment of the institution and their service should be counted from that date for the benefit of pension”.

The learned counsel for the parties are in agreement that the present writ petition can be disposed of in light of the aforesaid judgment dated 18.04.2019 rendered by the learned Full Bench in the case of Smt. Asha Sharma (supra).

Having regard to the submissions made by the learned counsel for the parties, the present writ petition stands disposed of with a direction to the respondents to re-work out the retiral dues of the petitioner in terms of the judgment passed in Smt. Asha Sharma (supra) by reckoning his service period from the date of grant of permission of establishment of the institution where he has worked i.e. Adarsh High School, Sarai, District Vaishali for the purposes of counting the service period in order to calculate the pensionary benefits.

Accordingly, the letter dated 20.04.2010 issued by the Accountant General (A & E), Bihar, Patna is quashed.

It is needless to state that retirement dues of the petitioner shall be reworked out, as aforesaid, by the respondent



authorities within a period of eight weeks from the date of receipt/ production of a copy of this order.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.08.2019
Transmission Date	N/A

