

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24991 of 2013

Hari Narayan Mishra Son Of Late Diwakar Mishra, Resident Of Village Naya Road, P.O. and P.S. - Raxaul, District East Champaran, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government Of Bihar, Patna
3. The Director, Secondary Education, Government Of Bihar, Patna
4. The Regional Deputy Director Of Education, Tirhut Division, Muzaffarpur, Bihar
5. The Accountant General , Bihar, Birchand Patel Path, Patna
6. The Director Education Officer, West Champaran, Bihar
7. District Planning Officer, Establishment, West Champaran, Bettiah
8. District Educational Officer, Establishment, East Champaran, Motihari Null
9. District Planning Officer, Establishment, East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anshuman Singh, Adv.
For the Respondent/s : Mr.Raghwanand, GA-11
For the Accountant General: Mr. Ram Kinkar Choubey, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-08-2019

The present writ petition has been filed for quashing the letter No. 2130-37 dated 21.02.1980 whereby and whereunder the retiral and pensionary benefits of the petitioner has been calculated taking the service of the petitioner from the date of permanent recognition/ take over of the school i.e. 21.02.1980.

The learned counsel for the petitioner has relied upon a judgment rendered 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”.

It is, accordingly, submitted that since grant of permission for establishment of the school in question is 27.01.1978 and the petitioner has been appointed on 17.11.1978, the retiral dues have to be calculated, reckoning the services of the petitioner with effect from 17.11.1978.

The aforesaid submission made by the learned counsel for the petitioner is not disputed by the learned counsel appearing for the State.

Having regard to the agreement arrived at in between the parties, regarding applicability of the aforesaid judgment rendered by the learned Full Bench in the case of Smt. Asha Sharma (Supra), the impugned letter dated 21.02.1980 is quashed and the respondents are directed to rework out the retiral benefits payable to the petitioner herein reckoning the service of



the petitioner w.e.f. 17.11.1978.

Accordingly, it is directed that the respondents shall re-work out the retiral benefits of the petitioner, as aforesaid, and pay the same within a period of twelve weeks from the date of receipt/ production of a copy of this order.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.08.2019
Transmission Date	N/A

