

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10937 of 2017

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Tarcilla Kerketta D/o Late Jowakim Kerketta, Resident of Ursulain Convent
113 Koshi Colony, Purnea, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primay Education, Government of Bihar, Patna.
4. The District Programme Officer (Establishment) Purnia.
5. The Headmaster, Ursuline Convent Middle School, Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Respondent/s : Smt. Binita Singh, SC-28

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date : 22-02-2019

Petitioner is permitted to change the nomenclature of respondent no. 4 from District Education Officer, Purnea to District Programme Officer (Establishment), Purnea, as now he is the competent authority.

2. Heard learned counsel for the petitioner and learned counsel appearing for the State.

3. Petitioner in the present writ application prays for payment of unutilised earned leave/ leave encashment, who retired from the minority institution from the post of Assistant Teacher from Ursuline Convent Middle School, Purnia. The matter is no longer *res integra* as a Single Judge of this Court in the case of Charley Lazarus Vs. State of Bihar and others in CWJC No. 23 of 2015 vide order dated 03.08.2015 allowed payment of leave encashment as per



entitlement of the said employee which was affirmed by the Division Bench in LPA No. 1856 of 2016 vide order dated 16.03.2017 and also in the case of Raghvendra Kumar Vs. The State of Bihar and others in CWJC No. 3522 of 2018 along with analogous case vide order dated 11.12.2018.

4. However, learned counsel appearing for the State submits that SLP is pending against the Division Bench order but only Diary No. 7932 of 2018 has been produced showing that the said SLP was filed in March, 2018 but it does not bear SLP number nor Special Leave to Appeal has yet been granted.

5. Considering the nature of claim made by the writ petitioner, this writ application is allowed in terms of order passed in CWJC No. 23 of 2015, affirmed by Division Bench in LPA No. 1856 of 2016 and CWJC No. 3522 of 2018 and analogous case. Respondent no. 4 is directed to pay the amount as per entitlement of the petitioner within a period of four months from the date of receipt/production of a copy of this order before respondent no. 4.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2019
Transmission Date	NA

