

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8080 of 2017

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Md. Musleh Uddin S/o Late Md. Suleman, Resident of Village-Pahlam, Post-Paharpur P.S.-Simri Bakhtyarpur, District-saharsa

... .. 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 Government of Bihar, Patna.
4. The District Education Officer, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Bhagat, Advocate
For the Respondent/s : Mr. Ram Vinay Pd. Singh, AC to GA-12

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 08-03-2019

Counsel for the State has filed counter affidavit, which is taken on record.

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 a minority school from the post of Assistant Teacher from Islamia High School, Simri Bakhtiyarpur, Saharsa. 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	11.03.2019
Transmission Date	NA

