

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7011 of 2008

RAM RATAN PRASAD SINHA son of Late Jhari Lal Singh, resident of
Village- Chak Sikandar, P.S. Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar Secondary Education Board, through its Secretary, Buddha Marg, Patna.
3. The Director, Secondary Education, Bihar Secondary Education Office, Buddha Marg, Patna.
4. Deputy Director, Secondary Education, Bihar Secondary Education Office, Buddha Marg, Patna.
5. Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
6. District Education Officer, Samastipur.
7. Headmaster, V.R.R. High School, Morwa, Samsatipur.
8. The Accountant General (A and E), Accountant General Office, Bihar, Virchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhakar Kumar, Adv.
For the Respondent/s	:	Mr.Ravi Kumar, AC to GP-13
For Board	:	Mr. Satyabir Bharti, Adv.
For Accountant General	:	Mr. Raghwanand, Adv.

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. High School Wazitpur, Karnal, Samastipur for the purposes of counting the service period in order to calculate the pensionary benefits.

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

