

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1773 of 2018**

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Bithi Mukherjee, Wife of Sukhendu Mukherjee, Resident of Village-Laxmi Kutir, Bhatta Nagar, Police Station-Purnea, District-Purnea, at Presnet Resident of Gate No. 1354, Flat No. A-204, Pristine Meadows, Ubale Nagar, Wagholi, Police Statio-Wagholi, District-Pune, Maharashtra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Patna.
5. The Headmaster, Bhatta Middle School (Bengali), Bhatta, Purnea.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar  
For the Respondent/s : Mr.S.C.Mishra -Sc16

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      09-01-2019                      Learned counsel for the petitioner is permitted to make necessary correction in the nomenclature of respondent no.4 which would be read as the District Programme Officer, (Establishment), Purnea.

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

Petitioner who superannuated from service on 30.11.2004 from the post of Assistant Teacher in Aided Bhatta Middle School (Bengali), Bhatta, Purnea prays for payment of earned leave with admissible interest to the petitioner.

The issue is now no longer *res integra* as in CWJC



No.23 of 2015 dated 03.08.2015 (Charley Lazarus vs. The State of Bihar and Others) upheld in LPA No.1856 of 2016 dated 16.03.2017, this Court had allowed payment of leave encashment as per the entitlement of the said employee.

Considering the said facts, this writ application is allowed in terms of the order passed in CWJC No.23 of 2015 and affirmed by the Division Bench in LPA No.1856 of 2016. The respondent no.4 is directed to make payment as per the 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)**

B.Kr./-

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