

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18330 of 2008

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APARNA PRASAD wife of Sri Prabhat Kumar Karan, resident of Mohalla Dutta Colony, Behind Sun- Beam Engineering Works, Betwan Bazar, P.S. Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Secondary Education, Bihar, Patna.
3. The School Inspector-cum- Deputy Director, Education, Bihar, Patna.
4. The Accountant General, Accountant General Building, Veer Chand Patel Marg, Bihar, Patna.
5. The District Education Officer, Munger.
6. The District Provident Fund Officer, Munger.
7. The Principal, Baijnath Govt. Girls High School, Munger.
8. The Principal, Balmiki Rajniti Balika High School, Madhopur, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Samir Kumar Sinha, Adv.
For the Accountant General: Mr.Bindhyachal Rai, Adv.

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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 the service period of the petitioner from the date of grant of permission of establishment of the institution where he has worked i.e. Balmiki Rajniti Balika Uchchja Vidyalaya, Munger 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
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