

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.914 of 2015

In
Civil Writ Jurisdiction Case No.945 of 2010

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1. The State Of Bihar
 2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
 3. The Director, Secondary Education, Budh Marg, Patna.
 4. The District Education Officer, Nawada.

... .. Appellants

Versus

1. Raj Kumar Singh son of Late Nand Kishore Singh R/o Vill. - Jhikarua, P.O. - Hisua, P.S. - Narhat, District - Nawada.
2. Naresh Singh S/o Late Lakhdeo Singh R/o Hisua, P.O. and P.S. - Hasua, District - Nawada.
3. The Accountant General, Bihar, Patna.

... .. Respondents

with
Letters Patent Appeal No. 1567 of 2013
In
Civil Writ Jurisdiction Case No.3797 of 2010

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar Patna
3. The Director, Secondary Education, Government Of Bihar, Patna
4. The Regional Deputy Director Of Education, Tirhut Division, Muzaffarpur
5. The District Education Officer, Vaishali At Hajipur

... .. Appellants

Versus

1. Sri Ram Murti Prasad Son Of Late Dwarika Choudhary Resident Of Sahadallahpur, P.S.- Hazipur, District- Vaishali
2. The Accountant General, Bihar, Patna

... .. Respondents

with
Letters Patent Appeal No. 1574 of 2013
In
Civil Writ Jurisdiction Case No.3565 of 2010



1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar Patna
3. The Director, Secondary Education, Budh Marg, Patna
4. The District Education Officer, Nawada

... .. Appellants

Versus

1. Naresh Singh Son Of Late Lakhdeo Singh Resident Of Hisua, P.O.- Hisua, P.S.- Hisua, District- Nawada
2. The Accountant General, Bihar, Patna

... .. Respondents

with
Letters Patent Appeal No. 1602 of 2013
In
Civil Writ Jurisdiction Case No.10251 of 2009

1. The State Of Bihar
2. The Director, Secondary Education, Budh Marg, Patna, Bihar
3. The District Education Officer, Saran At Chapra
4. The Headmaster, Adarsh Yuvak High School, Baruan, Saran At Chapra

... .. Appellants

Versus

1. Uday Narayan Sharma @ Udai Narain Singh Son Of Late Shyam Bihari Sharma Resident Of Village- Baruan, P.S.- Dariyapur, District- Chapra Saran
2. The Accountant General, Bihar, Birchand Patel Path, Patna
3. The Senior Accounts Officer, Office Of The Accountant General A & E, Bihar, Patna

... .. Respondents

with
Letters Patent Appeal No. 1605 of 2013
In
Civil Writ Jurisdiction Case No.2034 of 2010

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Director, Secondary Education, Government Of Bihar, Patna
4. The Regional Deputy Director Of Education, Tirhut Division, Muzaffarpur
5. The District Education Officer, East Champaran, Bihar



... .. Appellants

Versus

1. Md. Nabijan Son Of Late Sk. Zaimddin Resident Of Village- Baradih, P.O.-
Bairia, P.S.- Kasaria, District- East Champaran
2. The Accountant General, Bihar, Birchand Patel, Patna

... .. Respondents

with
Letters Patent Appeal No. 116 of 2014
In
Civil Writ Jurisdiction Case No.18664 of 2010

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna
3. The Director, Secondary Education, Government Of Bihar, Patna
4. The Regional Deputy Director Of Education, Tirhut Division, Muzaffarpur
5. The District Education Officer, East Champaran, Bihar

... .. Appellants

Versus

1. Madan Prasad Thakur Son Of Ram Chandra Thakur Resident Of Sariyapur,
P.O.- Damodarpur, P.S.- Pipra, District- East Champaran
2. The Accountant General, Bihar, Birchand Patel Path, Patna

... .. Respondents

with
Letters Patent Appeal No. 220 of 2014
In
Civil Writ Jurisdiction Case No.9716 of 2009

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Patna
3. The Director, Secondary Education, Bihar, Patna
4. The District Education Officer, Nawada

... .. Appellants

Versus

1. Shyam Kishore Singh Son Of Late Ram Swaroop Singh Village- Pali, P.S.-
Kashichak, District- Nawada
2. The Accountant General, Bihar, Birchand Patel Path, Patna
3. The Senior Accounts Officer, Office Of The Accountant General, Bihar,
Patna



... .. Respondents

Appearance :

(In Letters Patent Appeal No. 914 of 2015)

For the Appellant/s : Mr.Shashi Bhushan Kumar

For the Respondent/s : Mr.Nivedita Nirvikar

(In Letters Patent Appeal No. 1567 of 2013)

For the Appellant/s : Mr.Shashi Bhushan Kumar

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 1574 of 2013)

For the Appellant/s : Mr.Shashi Bhushan Kumar

For the Respondent/s : Mr.Mrs. Anita Sinha

(In Letters Patent Appeal No. 1602 of 2013)

For the Appellant/s : Mr.Shashi Bhushan Kumar

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 1605 of 2013)

For the Appellant/s : Mr.Shashi Bhushan Kumar

For the Respondent/s : Mr.Raj Nandan Prasad

(In Letters Patent Appeal No. 116 of 2014)

For the Appellant/s : Mr.Shashi Bhushan Kumar

For the Respondent/s : Mr.S. M. Ehtesham

(In Letters Patent Appeal No. 220 of 2014)

For the Appellant/s : Mr.Shashi Bhushan Kumar

For the Respondent/s : Mr.Rakesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

Date : 20-12-2019

In all the above stated appeals the only question was involved as to what would be the date of reckoning the retiral benefit of the respondents.

Admittedly, all the respondents are retired teachers and they claimed their retiral benefit from the date of establishment of their respective schools.

The above stated issue was considered by a Full Bench of this Court in **State of Bihar vs. Smt. Asha Sharma** reported in



2019(3) BLJ, 366 and the Full Bench of this Court held that the service of teaching staff would be counted from the date of grant of permission to establish secondary school for the purpose of pensionary benefits. The issue involved in these appeals is entirely covered by the decision rendered by the Full Bench in case of **State of Bihar vs. Smt. Asha Sharma (supra)**.

Therefore, in the light of decision of Full Bench of this Court, all the above stated appeals stand dismissed and the impugned judgment is, hereby, confirmed.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

shahzad/-

AFR/NAFR	AFR
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