

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18874 of 2018

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Shambhu Saran Pathak Son of late Rom Harshon Pathak Resident of Village-Gurua, Post Office-Gurua, Police Station-Gurua, District-Gaya.

... .. Petitioner

Versus

1. The State Of Bihar through its Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Department of Human Resources, Government of Bihar, Patna.
4. The Secretary, Department of Finance, Government of Bihar, Patna.
5. The Secretary, Bihar Sanskrit Shiksha Board, Near Rajapur Pool Patna.
6. The Assistant Education Director Sanskrit, Bihar Sanskrit Shiksha Board, Patna.
7. The Special Director (Sanskrit), Bihar Sanskrit Shiksha Board, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
For the Respondents	:	Mr. Madhaw Prasad Yadaw -GP23
For S.S. Board	:	Mr. S.S. Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-06-2020 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the Bihar Sanskrit Shiksha Board.

The present writ petition has been filed for the following reliefs:-

“(i) For issuance of an appropriate writ commanding the respondents to pay the amount of pension, gratuity, leave encashment, group insurance etc. to the petitioner with the statutory interest of 18%.



(ii) For issuance of an appropriate writ commanding the respondents to pay the amount of 13% of dearness allowance to the petitioner.

(iii) For issuance of an appropriate writ commanding the respondents to pay the scale of headmaster from the date of promotion and 13% dearness allowance with statutory interest.

(vi) For any other reliefs which petitioner is entitled under law of the facts of the said case.”

Learned counsel appearing on behalf of the respondent-Bihar Sanskrit Shiksha Board would submit that the petitioner is not entitled to pension, gratuity, leave encashment etc.

However, payment of dearness allowance and group insurance cannot be denied to the petitioner. There is no counter affidavit on record either admitting or disputing the claim of the petitioner.

The present writ petition was filed on 18.9.2018 after serving two copies of the writ petition on learned counsel for the respondents. We are in 2020, yet no counter affidavit has been filed.

Instead of keeping the matter pending, the writ petition is disposed with a direction to the Special Director (Sanskrit), Bihar Sanskrit Shiksha Board, Patna (respondent no. 7) to provide opportunity of hearing to the petitioner and decide the claim of the petitioner for payment of dearness allowance



and group insurance. The Special Director (respondent No. 7) is required to take necessary decision in accordance with law in this regard and ensure payment of lawful dues to the petitioner at the earliest preferably withing a period of three months from the date of a copy of this order.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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