

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23649 of 2019

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Yogendra Kumar Son of Late Ram Babu Resident of Mohalla- Ramjichak,
Mithila Colony, P.O.- Bata, P.S.- Digha, District- Patna at present retired In-
charge Headmaster and Science Teacher, Upgraded Middle School, Bindauli,
Anchal- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary cum- Principal Secretary Department of Education, Govt. of Bihar, Patna.
3. The Director Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The District Magistrate Patna.
5. The District Education Officer Patna.
6. The District Programme Officer Bihar Education Project, (Primary Education), Sarv Shiksha Abhiyan, Patna.
7. The District Programme Officer (Establishment)-cum-Drawing and Disbursing Officer Patna.
8. The Block Education Officer Fatuha, Patna.
9. The Treasury Officer Patna city, Patna.
10. Mr. Birendra Kumar Singh Incharge Headmaster and Science Teacher, Upgraded Middle School, Bindauli, Anchal- Fatuha, District- Patna.
11. The Headmaster, Vyapar Mandal Middle School, Fatuha, Patna-cum Ex Drawing and Disbursing Officer.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Subash Chandra Mishra (SC16) Mr. Pramod Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 08-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.



For the last two dates, i.e. 11-02-2020 & 22-06-2020, no one is appearing for the petitioner. Today also, when the matter is taken up, none appears on behalf of the petitioner. Counsel for the respondents is present.

This writ application has been filed for issuance of a writ in the nature of mandamus directing and commanding the respondents to make payment of post retiral benefits, pension, gratuity and commuted value of pension as per the pension fixed by the Accountant General, Bihar, Patna and for that purpose issue no dues certificate in favour of the petitioner for the purpose of payment of pension, gratuity and commutation of pension as also to make payment of statutory interest, penal interest and compensation for harassment of the petitioner unnecessarily and/or for issuance of a writ/order/direction for which, the petitioner may be found legally entitled to under the facts stated above hereinunder.

In pursuance to the order dated 29-11-2-19, the state has already filed counter affidavit. Following statements have been made in paragraphs 6, 7 & 8 of the counter affidavit:-

“6. That it is most humbly stated that Headmaster, Byaparmandal, Kanya Middle School, Fatuha, Patna has issued “No Dues



Certificate” of the petitioner vide letter No. 174 dated 04-02-2020 and the same is forwarded to the Treasury Officer, Patna by the answering respondent on the same day in presence of the petitioner vide letter No. 1270 dated 04-02-2020.

7. That it is most humbly stated that the answering respondent vide letter No. 1194 dated 03-02-2020 fixed a date on 04-02-2020 for hearing to resolve the controversy and directed to all concerned including the petitioner to participate in hearing with relevant documents. All of them including the petitioner have participated in hearing and accordingly, financial as well as other charges of the Headmaster of his school was handed over by the petitioner on 04-02-2020 itself. Thereafter, the headmaster has issued “No Dues Certificate” of the petitioner.

8. That it is most humbly submitted that aforesaid “No Dues Certificate” with all necessary document has been handed over to the petitioner as per his wish on the same day. Now, it is duty of the petitioner to



*produce the said “No Dues Certificate” with
his pension payment order to the Treasury
Officer, Patna personally for further action”.*

Taking into consideration the statements made in the counter affidavit, it is apparent that the grievance of the petitioner has already been redressed. However, if any grievance of the petitioner requires to be redressed by the respondents, the petitioner will be at liberty to make a representation before the competent authority who shall consider the same and pass an appropriate order in accordance with law.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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