

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2923 of 2020

Sh. Raj Kumar Jha S/o Late Ramakant Jha, R/o Village Goait, P.O. Dihuli,
P.S. Sakra, Distt. Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Secondary Education Department, Government of Bihar.
2. The Additional Chief Secretary, Secondary Education Department, Government of Bihar,
3. The Regional Deputy Director, Education Department, Dharbhanga Division, Dharbhanga, (Bihar).
4. The District Collector, Samastipur Headquarter, Samastipur, Pin-848101
5. The District Education Officer, Samastipur, Ward No-17, Gudri Bajar, Samastipur (Bihar).
6. The District Programme Officer (Establishment) Govt. of Bihar, Patna, Office of The D.E.O., Distt. Samastipur (Bihar).
7. The Treasury Officer, Samastipur, Distt. Samastipur, (Bihar)
8. Sh. Amirul Hasan, Incharge4 Head Master, Rampratap High School Kubauliram (Samastipur) Pin-848131
9. Sh. Diwakar Prasad Singh Cleark, Rampratap High School Kubauliram (Samastipur) Pin-848131
10. Sh. Manoj Kumar Manoj Asst. Teacher, Rampratap High School Kubauliram (Samastipur) Pin-848131

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Jha, Adv.
For the Respondent/s : Mr. Subash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 09-07-2021

Heard learned counsel for the petitioner and learned SC-
16 for the State.

This is a celebrated case how the clerk in the system
manipulated the decision making process, particularly, in the



matter of payment of post retiral dues of the petitioner. The petitioner retired on attaining the age of superannuation on 31st December, 2015. He was working as Incharge Headmaster. On 31.12.2015, the senior most teacher after the petitioner was not available to take over charge of the school, namely, Amirul Hasan and in absence of the senior most teacher, the petitioner was constrained to hand over charge to one Manoj Kumar Manoj, another teacher of the school. Manoj Kumar Manoj after taking over charge issued no objection/ no dues certificate but the problem started thereafter. It is alleged in the writ application that illegal gratification was demanded for issuance of no objection/ no dues certificate by the senior most teacher and the clerk concerned. Mr. Amirul Hasan took charge of the school from Manoj Kumar Manoj, the teacher to whom the petitioner has handed over the charge in absence of Amirul Hasan. The petitioner was asked to obtain once again no objection/ no dues certificate from Mr. Amirul Hasan. The petitioner approached the District Programme Officer (Establishment), Samastipur in connection with acceptance of no dues/ no objection certificate but no heed was paid to the grievance of the petitioner as a result thereof, pension and gratuity and other post retiral dues were not paid to the petitioner. The petitioner, as stated above was constrained to approach the District



Programme Officer (Establishment), Samastipur. It appears that some kind of enquiry was made and salary of respondent no. 9, clerk in the school in question, was stopped obviously on account of his involvement and lapses in the matter of clearance of post retiral dues of the petitioner. Later on, it appears that by manipulation payment of Diwakar Prasad Singh, respondent no. 9, was released but nothing was done towards payment of post retiral dues of the petitioner. For nearly five years, the petitioner has awaited for payment of his post retiral dues even after filing of the writ application on 06.01.2020 and different orders passed by this Court, failed to yield any positive result.

Learned counsel appearing on behalf of petitioner would submit that respondents have made mysterious statement in the counter affidavit that only the academic charge was handed over to Manoj Kumar Manoj and not the financial charge. The petitioner has placed on record Annexure-12 and Annexure-13 to demonstrate that every kind of charge was handed over by the petitioner to Manoj Kumar Manoj. Annexure-13 further goes to suggest that the Incharge Headmaster (Successor Incharge Headmaster) once again took over the entire charge from the petitioner in presence of Drawing & Disbursing Officer. This is the



painful story of the petitioner’s harassment and denial of post
retiral dues.

In the facts and circumstances of the case, the Court is
constrained to allow the writ application. The respondents are
hereby directed to pay the entire post retiral dues positively within
a period of two months with 9% interest from the date of
retirement till the date of actual payment.

The respondents have to pay Rs. 1 lac cost to the
petitioner for uncalled for litigation and other harassment for
approximately six years. The cost shall be realized from the erring
officials of the Education Department.

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

(Anil Kumar Upadhyay, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	13.07.2021
Transmission Date	

