

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14710 of 2017

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Mahesh Jha s/o Late Krishna Jha r/o village p.o. - Nagwas, p.s. - Arer, district
- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna.
4. Regional Deputy Director of Education, Patna Division, Patna.
5. District Program Officer Establishment, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur
For the Respondent/s : Mr.Madanjit Kumar-Gp20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

13 16-11-2021 Heard learned Counsel for the parties concerned.

The petitioner, who got superannuated from the post of Block Education Officer, Tarari, Bhojpur, on 31.01.2015, has filed the present writ application for grant of retiral benefits, such as gratuity, earned leave, group insurance and pension as well as arrears of pension.

Learned Counsel for the petitioner submits that during the pendency of the present writ application, the punishment order has been passed by the disciplinary authority against the petitioner in exercise of power conferred upon the disciplinary authority under Rule 43 (b) of the Bihar Pension Rules and 100 per cent pension of the petitioner has been forfeited. He next



submits that I. A. No. 01 of 2021 has been filed by the petitioner for quashing of the order of punishment passed under Rule 43 (a) of the Bihar Pension Rules.

On the other hand, learned Counsel for the State submits that reply to I. A. No. 01 of 2021 has been filed, taking an objection that I. A. No. 01 of 2021 is not maintainable inasmuch as the order of punishment gives rise to a separate cause of action.

After having heard learned Counsel for the parties, and in view of the fact that 100 per cent pension of the petitioner has been forfeited by way of punishment, I am not inclined to entertain this writ application.

This writ application is, accordingly, dismissed.

However, the petitioner will be at liberty to challenge the order of punishment, dated 20.02.2020, passed under Rule 43 (a) of the Bihar Pension Rules, by way of a fresh writ application.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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