

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.889 of 2021

Manoj Shankar Jha Son of Taranand Jha Resident of Village- Pubari Tola,
Rampur Bangla, Ward No. 10, P.s.- Bangaon, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department, of Education, Government of Bihar, Patna
2. The Director, Department of Primary Education, Government of Bihar, Patna
3. The District Education Officer, Saharsa
4. The District Programme Officer (Establishment) Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Respondent/s : Mr. Kumar Kamal Nayan, AC to SC-25.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 10-11-2022 Heard Mr. Pramod Mishra, learned counsel for the petitioner and Mr. Kumar Kamal Nayan, learned AC to SC-28 for the State.

The present writ application has been filed seeking a direction upon the respondents to ensure proper fixation and pay his pension and other post retiral benefits as well as arrears of salary by approving his services w.e.f. 01.01.1971 in similar manner as it has been done in the case of similarly situated person, namely, Nityanand Jha, Assistant Teacher in Girls Primary School, Mahishi.

Learned counsel for the petitioner contended that the petitioner along with Nityanand Jha were appointed as Assistant Teachers in the Girls Primary School, Mahishi by its Managing Committee on 23.11.1970 and subsequently, the services of both



the teachers got approved from the respondent Director, Department of Primary Education, Government of Bihar, vide Memo No. 10146-6 dated 30.12.1980 w.e.f. 23.12.1980. It is further submitted that subsequently, the then District Superintendent of Education after revising the date of approval of service of said Nityanand Jha, approved his services w.e.f. 01.01.1971. It is next submitted that, thereafter, the respondent authorities after shifting the date of retirement of the petitioner along with Nityanand Jha have allowed them to superannuate on 30.11.2012. The petitioner submitted his representation before the District Education Officer, Saharsa to grant similar benefit as has been granted in the case of Nityanand Jha, however, no decision was taken compelling the petitioner to approach before this court.

On the other hand, learned counsel for the State confronting the submissions made on behalf of the petitioner submitted that in compliance of the order of this court passed in CWJC No. 3950 of 2019 filed by Nityanand Jha, his case was duly considered in the light of the Government letter issued by the General Administration Department as contained in letter no. 2978 dated 19.19.2019 and the claim of Nityanand Jha was rejected vide order dated 09.07.2020.



Learned counsel for the State vehemently submitted that since the claim of the petitioner has finally been rejected, the petitioner, who is seeking parity, would not be entitled for any relief at par with the said Nityanand Jha.

At this juncture, learned counsel for the petitioner submits that since the representation of the petitioner is pending since long and no decision has been taken by the concerned respondent, let a direction be given to the concerned respondent to dispose of the representation of the petitioner.

Considering the submissions and the materials available on record, this court directs the petitioner to file a representation along with the present order before the respondent no. 3 within four weeks from today, if such representation is filed, the concerned respondent would be under obligation to pass reasoned and speaking order preferably within a period of further four weeks.

Accordingly, the present writ application stands disposed of with the aforesaid liberty.

(Harish Kumar, J)

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