IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12701 of 2022

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Lalan Prasad S/o Late Bhikhari Prasad R/o Mohalla- New Mainpura (Danapur), P.S.- Danapur, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Sec. Education Department.
2. The Dist. Program Officer, (Establishment) Patna.
3. The D.E.O. Patna.
4. The Principal Accountant General (A and E), Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.
For the Respondent/s : Ms. Namrita Singh, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 06-12-2022 Heard Mr. Manoj Kumar, learned counsel for the petitioner and Ms. Namrita Singh, learned AC to GA-12 for the State.

Learned counsel for the petitioner prays for the following reliefs:-

To pay the retiral dues of the petitioner which has not been paid to the petitioner however, the petitioner has retired on 31.01.2022 from the post of Headmaster from Navin Meddle School, Rajvanshi Nagar, Patna and GPF, GIC, Leave Encashment have been paid to the petitioner and Gratuity, Pension & 40% Pension amount which was sale has also not paid to the petitioner, the department has pay the scale of 74300/- who are in service and no reason has been given why the scale *of the petitioner has been deducted after retirement from 74300/- to 72100/-. There is monitory loss of the petitioner in pension so the pension should be fixed on the basis of last pay.*

It is submitted that the petitioner was appointed as an Assistant Teacher on 22.04.1988 and on 31.07.2010 he was promoted as a Graduate Teacher in Upgraded Middle School and thereafter he has promoted to the post of Headmaster on 27.12.2013 and lastly he superannuated on 31.01.2022 from the post of Headmaster in the pay scale of 74300/-. However, after superannuation the pay scale of the petitioner has been reduced to 72100/-.

It is further contended that on the ground of non passing of “Hindi Noting and Drafting” examination as per the Government Circular, he has not been allowed benefit of increment in the year 2014, 2015 & 2016 which resulted into less payment of retiral benefits. It is next contended that though the petitioner has already crossed the age of 50 years and in view of rules 3 and 4 of the Bihar Government Servant Departmental Examination Exemption Rules, 2018 notified on 06.03.2018, he was also required to exempt from passing the said examination.

In view of the short submissions of the learned counsel for the petitioner, the present writ application stands disposed of with a direction to the respondent no. 2 to consider the grievance of the petitioner in terms of rules 3 and 4 of the Bihar Government Servant Departmental Examination Exemption Rules, 2018 as contained in annexure 1 to the writ application.

It is needless to say that if the petitioner would file a representation along with the copy of the order of this court, the respondent authorities would be obliged to pass a reasoned and speaking order taking into consideration the aforesaid Rules, 2018 preferably within a period of eight weeks from the date of receipt/production of the copy of this order.

Accordingly, the present writ application stands disposed of.

It is also observed that if there would be any other grievance of the petitioner with regard to the retiral benefits and reduction of pay scale, the same shall also be considered and disposed of within the aforesaid period.

(Harish Kumar, J)

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