

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3672 of 2020

=====

Ramchandra Mahto, Son of late Ram Sahay Mahto, Resident of Ward No. 4,
Bariyarpur West P.S. Khodawandpur, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The Education Officer, Begusarai.

... .. Respondent

=====

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate
For the Respondent/s : Mr. Arbind Kumar, AC to G.P.17

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-07-2023

Heard Mr. Madhav Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Arbind Kumar,
learned AC to G.P.17 for the State.

2. Learned counsel appearing on behalf of the
petitioner informs this Court that vide Memo No. 716, dated
20.08.2020, the claim of the petitioner has been rejected without
giving him an opportunity of hearing for placing his case.

3. Learned counsel appearing on behalf of the State
submits that the petitioner was informed through the District
Programme Officer that the date for hearing was fixed on
17.08.2020. The petitioner despite being given prior notice of



hearing declined to appear before the Additional Chief Secretary Education Department, Government of Bihar. A reasoned order has been passed on the basis of materials available on record rejecting the claim of the petitioner.

4. Considering the fact that petitioner was not represented, which laid him to face penal consequences, this Court finds that a fresh opportunity of hearing be given to the petitioner to place his case. The petitioner is a retired employee and has claimed for pensionary benefit on account of revised pension.

5. Considering the aforesaid fact the order contained in Memo No. 716, dated 20.08.2020 is hereby set aside.

6. The petitioner is directed to file his detail representation along with all the relevant documents, including the case laws on which he wants to rely upon in support of his claim within a period of two weeks, not beyond 19.07.2023, before the Additional Chief Secretary Education Department, Government of Bihar.

7. The Additional Chief Secretary Education Department, Government of Bihar must fix any convenient date of hearing on or before 03.08.2023 and pass a reasoned order



after affording proper hearing to the petitioner, material available on record and the law laid down by this Hon’ble Court and the Hon’ble Supreme Court.

8. With the above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.07.2023
Transmission Date	

