

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3634 of 2020

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Ram Shankar Singh Son of Late Nageshwar Singh Resident of Ward No.10,
Mehdashahpur, Sripur, P.S. Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner/s

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/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Kumar, Advocate
For Accountant General	:	Mrs. Nivedita Nirvikar, Sr. Advocate
For the State	:	Mr. Sanjay Kumar, AC to G.P.23

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-07-2023

Heard Mr. Madhav Kumar, learned counsel appearing on behalf of the petitioner; Mrs. Nivedita Nirvikar, learned Senior Counsel appearing for the Accountant General and Mr. Sanjay Kumar, learned AC to G.P.23 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. Learned counsel appearing on behalf of petitioner submits that a detailed order was passed on 16.09.2019 vide C.W.J.C. No. 17196 of 2019 and in compliance of the said order, the petitioner had represented before the Additional Chief Secretary Education Department, Government of Bihar, however, no order has been communicated to the petitioner.

5. 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.

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

7. 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.

8. 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.

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

(Purnendu Singh, J)

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CAV DATE	NA
Uploading Date	06.07.2023
Transmission Date	

