

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2598 of 2020

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Kavita Kumari wife of Rajeev Kumar resident of Flat No. 202, West Block,
Sumit Chandram Griham Apartment, Ram Nagari Road, P.O.- Ashiyana
Nagar, P.S.- Rajeev Nagar, District- Patna, Pin Code- 800025 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Principal Secretary, Social Welfare Department, Government of Bihar,
Patna.
4. The Joint Secretary, Social Welfare Department, Government of Bihar,
Patna.
5. The District Magistrate, Vaishali at Hajipur.
6. The District Education Officer, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate
For the Respondent/s : Mr. Subash Chandra Mishra (SC-16)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 14-09-2023 Heard Mr. Raju Giri learned counsel for the

petitioner and learned AC to SC-16 represent the State.

2. The petitioner has moved before this Court for the
following reliefs:-

*(i) to issue an appropriate writ / order /
direction, in the nature of Certiorari quashing the
Order dated 27.02.2018 issued by the Joint
Secretary, Social Welfare Department, Government
of Bihar, Patna as contained in Letter No.1256
dated 28.02.2018 by which all the applications of
the Petitioner for leave has been cancelled as*



contained in Annexure-19;

(ii) to issue an appropriate writ/order/ direction, in the nature of Certiorari quashing the Order dated 23.07.2019 issued by the Joint Secretary, Social Welfare Department, Government of Bihar, Patna as contained in Memo No.4685 dated 23.07.2019 by which the period in between 13.08.2016 to 15.03.2018 has been held to be unauthorized absent as the leave of the said period which was not sanctioned and has been directed to enter it in the Service Book of the Petitioner as contained in Annexure-31;

III. to issue an appropriate writ / order / direction in the nature of Mandamus commanding the Respondents to sanction medical leave to the Petitioner of the period 13.08.2016 to 15.03.2018 with consequential benefits i.e. payment of salary of the said period etc;

IV. to issue an appropriate writ / order / direction in nature of Mandamus commanding the Respondents to give continuity of past service which the Petitioner as C.D.P.O. has rendered in the Social Welfare Department, Government of Bihar and also pay protection to the Petitioner taking into account the last pay drawn as Child Development Programme Officer, Uchkagaon, Gopalganj;

3. Mr. Raju Giri, learned counsel for the petitioner has taken this Court to the supplementary affidavit in which



drawing attention to the memo no. 5376 dated 04.11.2022 by which the respondents have taken corrective measures and in the light of that it is his submission that so far as the prayer contained under sub-paragraphs no. 1, 2 and 3 are concerned, the same stands redressed.

4. However, his submission is that though they have passed the order, it is not clear about the consequential benefits. It is his further submission that the representation dated 08.03.2019 (Annexure-28) to the petition addressed to the Director, Administration-cum-Joint Secretary Education Department, Bihar, Patna for continuity of past service and pay protection is still pending. He as such submit that he may be allowed to agitate the same before the concerned respondent and if necessary will be filing a fresh representation before the Director, Administration-cum-Joint Secretary Education Department, Bihar, Patna.

5. Learned SC- 16 submits that now memo no. 5376 dated 04.11.2022 has been issued, the consequential benefits will automatically flow. So far as the claim of the consequential benefits that has been submitted by Mr. Raju Giri is concerned, the respondents are directed to clarify the same pursuant to the memo no. 5376 date 04.11.2022 (Annexure P/33).



6. So far as the prayer for continuity in service and pay protection is concerned, it is the submission of Mr. Giri that though earlier the representation was filed before the Director, Administration-cum-Joint Secretary Education Department, Bihar, Patna, he shall be filing a fresh representation before the respondent no. 2, the Additional Chief Secretary, Education Department, Bihar, Patna.

7. If such representation is filed within a period of four weeks from today, the respondent no. 2, the Additional Chief Secretary, Education Department, Bihar, Patna shall take up the matter and pass a reasoned order within a period of three months thereafter.

8. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

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