

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8940 of 2021

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Kashi Nath Jha 'Kiran' S/o Late Gulab Jha, resident of Village - Balni Mehath
P.S. and District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Deputy Secretary, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Regional Deputy Director, Department of Education, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Program Officer, Madhubani.
7. The Block Education Officer, Jhanjharpur, Madhubani.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar Thakur, Advocate Mr.Vivek Kumar, Advocate
For the Respondent/s	:	Mr.Ram Vinay Prasad Singh, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-10-2023

Heard Mr. Shankar Kumar Thakur with Mr. Vivek Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ram Vinay Prasad Singh, learned AC to GA 12 for the State.

2. Learned counsel appearing on behalf of the petitioner submits that the case of the petitioner is squarely covered by the judgment of this Court passed in *CWJC No.9004 of 2019 [Dr. (Mrs.) Pratima Modi Vs. The State of Bihar through the*



Principal Secretary, Health Department & Ors.] reported in 2020 (1) PLJR 451.

3. Learned counsel appearing on behalf of the petitioner submits that he has been given instruction by the petitioner that he has already filed a representation before the District Programme Officer (Establishment), Madhubani with respect to relief(s) as claimed for in the present writ petition.

4. Learned counsel further submits that at the time of superannuation of the petitioner, no criminal proceeding/judicial proceeding was pending against the petitioner, as such the petitioner is entitled for grant of earned leave, 10% of gratuity amount and arrears of salary, which were withheld without giving any opportunity of hearing to the petitioner.

5. Considering the aforesaid submissions made on behalf of the petitioner, the representation of the petitioner is directed to be disposed of in the light of judgment passed in ***CWJC No.9004 of 2019 [Dr. (Mrs.) Pratima Modi Vs. The State of Bihar through the Principal Secretary, Health Department & Ors.]*** (supra), calling for the service particulars of the petitioner and comparing the observations made by the Court in Paragraph no.8 of ***CWJC No.9004 of 2019 [Dr. (Mrs.) Pratima Modi Vs. The***



State of Bihar through the Principal Secretary, Health Department & Ors.] (supra).

5. In case of rejection of claim of the petitioner, the District Programme Officer (Establishment), Madhubani is directed to give proper opportunity of hearing to the petitioner to defend his case.

6. In case the petitioner is entitled for relief(s) as claimed for in the present writ petition, the payment under different heads are directed to be paid within a period of four weeks from the date of communication of this order along with the statutory interest on account of delay in payment of retiral dues to the petitioner.

7. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	05.10.2023
Transmission Date	

