

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9037 of 2021

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Abhay Chandra Chaudhary Son of Late Jai Krishna Chaudhary Resident of E-2/8, Sadhnapuri, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Chairman, Bihar School Examination Board (Senior Secondary), Patna.
5. The Secretary, Bihar School Examination Board (Senior Secondary), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP 27.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-01-2023 Heard Mr. Prabhu Nath Pathak, learned counsel for the petitioner and Mr. Umesh Narayan Dubey, learned AC to GP 27 for the State.

It transpires from the order dated 15.11.2022 that writ application was filed seeking direction upon the respondent to grant pension and retiral benefits after computing the entire period of service w.e.f. the date of petitioner's appointment i.e. on 28.10.1994 in view of the observation rendered by the Hon'ble Apex Court in Civil Appeal No.1868 of 2018 (relevant part would be paragraph no.6 of the said decision).

Learned counsel for the State had taken 4 weeks time to file counter affidavit but counter affidavit could not be filed.

Learned counsel for the petitioner submits that petitioner is retired on 30.04.2020 and neither pension nor gratuity was given to him. He has also filed representation before respondent no.4 but not before respondent no.2 vide Annexure-9 and according to him, no response was made by the authority on his representation.

Upon going through the writ application, in which the petitioner has described his entire history, I am hereby directing to the petitioner to file a fresh representation before respondent no.2 raising all his grievances as raised in the present writ application and respondent no.2 shall pass a reasoned order on his representation deciding the claim of petitioner and shall also assure the payment of admissible dues to the petitioner in total within 8 months from the date of filing of representation.

With this observation, the writ application is hereby disposed off.

(Dr. Anshuman, J.)

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