

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.980 of 2023

In

Civil Writ Jurisdiction Case No.5345 of 2021

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1. S.M. Mansoor Akhtar Son of Late Syed Sayeed, Resident of Road No. 2 A, House No. B/12, Alinagar Colony, Anishabad, Police Station - Gardanibagh, District - Patna.
 2. Md. Jamil Ahmed, Late Ahmed Hussain, Resident of Mohall - Mahalpur, Post office and Police Station - Biharsharif, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Shri Deepak Kumar Singh, Additional Chief Secretary Education Department, Government of Bihar, Patna.
2. Shri Sanjay Kumar, The Director, Secondary Education Department, Government of Bihar, Patna.
3. Smt. Sunaina Kumari, The Regional Deputy Director of Education, Government of Bihar, Patna.
4. Shri Keshav Prasad, District Education Officer, Nalanda at Biharsharif.
5. Shri Sujeet Kumar Rawat, The District Programme Officer (Establishment), Nalanda at Biharsharif.
6. Shri Bijay Kumar Rajak, The District Provident Fund Officer, Nalanda at Biharsharif.
7. Shri Praveen Kumar Singh, The Accountant General, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ram Sagar Singh, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar, AC to GP-23
For the AG :	Mrs. Nivedita Nirvikar, Sr. Advocate
	Mr. Somesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 06-10-2023

Heard Mr. Ram Sagar Singh, learned counsel appearing on behalf of the petitioners, Mr. Sanjay Kumar, learned AC to GP-23 and Mr. Somesh Kumar, learned counsel for the Accountant General.

2. In compliance of the order of this Court, a



supplementary show-cause affidavit has been filed on behalf of the opposite party no. 5 and submissions have been advanced on behalf of the learned counsel for the State that so far entitlement of the leave encashment of the petitioners are concerned, since the very appointment of the petitioners was made in a school, which was takeover by the Government, thus, the petitioners shall be allowed earned leave only after three years of the date of their appointment, in terms of the letter no. 2257 dated 12.10.2004, the copy of which has been marked as Annexure R/A. He further submits that so far the other retiral benefits/dues are concerned, the same has already been bestowed upon the petitioners.

3. At this stage, learned counsel for the petitioners vehemently refuted the contention of the State and submits that so far the petitioners are concerned, they were duly appointed in a Minority School approved by, the then, Vidayala Seva Board and thus, the case of the petitioners do not governed by the letter issued by the Director, Secondary Education, as noted hereinabove.

4. Be that as it may, considering the fact that all the retiral benefits of the petitioners have been paid, save and except, some part of the leave encashment, which are now being



claimed by the petitioners.

5. Considering the materials available on record and the submissions advanced by the parties, this Court deems it fit and proper to dispose of the contempt petition, having the order been substantively complied with. However, the petitioners are at liberty to make appropriate representation before the Director, Secondary Education, stating all the facts, noted hereinabove, if the grievance still subsists.

6. It is needless to observe that if such a representation is filed by the petitioners, the same shall be taken to its logical conclusion, expeditiously.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2023.
Transmission Date	NA

