

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11798 of 2021

Radha Kumari W/o Sri Rajendra Thakur R/o- B/37, Mitra Mandal Colony,
P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Patna.
6. The Accountant General, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Adv. with
	:	Mr. Gyanendra Kumar Diwakar, Adv.
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
	:	Ms. Meera Singh, AC to GP23

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioner and counsel
for the State.

The petitioner has filed the present writ petition for issuance all appropriate writ /order /directions to the respondent to pay the full pension and gratuity to the petitioner with appropriate statutory interest. Counsel for petitioner submits that the petitioner was initially appointed as Assistant Teacher (Matric Trained) on 28.04.1989 (Annexure-1). Counsel submits that upon joining, the petitioner was started working in Women's Teachers Training College, Araria. Counsel submits that upon retirement, other retiral dues were paid except her full pension and gratuity. In this regard, counsel has filed the

representation before the R.D.D.E., Patna Commissioner as well as DPO, Patna vide Annexure- 17 on which no order was passed then he filed the present writ petition. Counsel for petitioner submits that his case is squarely covered with the case of Neeta Kumari vs. State decided vide order dated 24.11.2022 passed in CWJC No. 12126 of 2021. Counsel submits that since the case of petitioner is squarely covered by the present case then in the light of Rule 4(C) of the Bihar State Litigation Policy, the petitioner is entitled for the prayer made in his representation as well as in the writ petition.

Counsel for the State submits that part of the payment has been made to the petitioner. In the above background, I am hereby granting liberty to the petitioner to make a fresh representation before the R.D.D.E., Patna Commissioner to pass a reasoned order on the representation considering the ratio laid down in case of Neeta Kumari, CWJC No. 12126 of 2021 as well as considering the Rule 4(C) of the Bihar State Litigation Policy within 4 weeks from the date of filing of the representation by the petitioner. The respondent shall also assure the admissible dues to the petitioner within 4 weeks thereafter.

With this direction, This application stands disposed off.

(Dr. Anshuman, J.)

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