

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22024 of 2013

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Surendra Prasad S/O Late Singheshwar Prasad Singh Village- Barahpur, P.O.-
More, Via- Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Chairman, Bihar School Examination Board, Patna-17.
3. Secretary, Bihar School Examination, Board, Patna-17.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the B.S.E.B	:	Mr. Manish Kumar, Adv.
For the State	:	Mr. Kameshwar Kumar, GP 17

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 07-02-2023

1. Learned counsel for the respondent informs this Court that the petitioner attained superannuation on 31st July 2001 preferred this writ petition claiming benefit of A.C.P. The same has been granted by the Bihar School Examination Board, Patna vide its order dated 12th July 2022. The first and second A.C.P. has been granted with effect from 09.08.1999. The order passed by the Bihar School Examination Board, Patna is taken on record.

2. In terms of the aforesaid order dated 12.07.2022, the respondents are expected to release the entire arrears of salary and also arrears of retiral benefits after refixation of pension.



This Court notices that in para 2 of the order dated 12th July 2022, the Board has treated the said period as notional for the purpose of release of salary and accordingly, the arrears for the said period have been denied. This Court finds that the petitioner had already retired in 2001. Hence, the Board's circular of 27.11.2009 for payment of salary from 2019 till 2006 would not be applicable on him as he is not required to be paid salary but is to be paid pension for the said period which is continuous.

3. Keeping in view thereto, the petitioner's arrears shall be prepared continuously from 2001 up to the date of payment and interest at the rate of 9% on the arrears of pension shall also be payable. The said exercise shall be conducted if not conducted within a period of three months from today.

4. The writ petition stands disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 37

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

