

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7057 of 2023

1. Shashidhar Mishra Son of Maharudra Mishra Resident of Village- Brahmotra, Police Station- Ghoghardiha, District- Madhubani.
2. Kamlapati Lal Dad Son of Late Krishna Bihari Das, Resident of Village- Laufa, Police Station- Lakhnaur, District- Madhubani.
3. Sukhdeo Jha Son of Late Kamal Kant Jha, Resident of Village- Laufa, Police Station- Lakhnaur, District- Madhubani.
4. Shiv Nath Jha Son of Late Jai Dev Jha, Resident of Village- Ujan, Police Station- Sakatpur, District- Madhubani.
5. Satish Chandra Jha Son of Late Dayanand Jha, Resident of Village- Madhura, Police Station- Lakhnaur, District- Madhubani.
6. Shyam Sunder Mahto Son of Late Jibachh Mahto, Resident of Village- Rupauli, Police Station- Lakhnaur, District- Madhubani.
7. Chandrama Devi Wife of Late Birendra Lal Das, Resident of Village- Pachhi, Police Station- Madhepur, District- Madhubani.
8. Siya Sharan Mahto Son of Late Mahanth Mahto, Resident of Village- Bela, Police Station- Lakhnaur, District- Madhubani.
9. Ram Kant Pathak Son of Late Jagdish Pathak, Resident of Village- Laufa, Police Station- Lakhnaur, District- Madhubani.
10. Krishna Kant Thakur Son of Late Kritya Narayan Thakur, Resident of Village- Ghonghia, Police Station- Bahera, District- Darbhanga.
11. Janki Nandan Mishra Son of Late Bihari Mishra, Resident of Village- Halni, Police Station- Ghoghardiha, District- Madhubani.
12. Guna Nand Jha Son of Late Chhedhi Jha, Resident of Village- Alpura, Police Station- Jhanjharpur, District- Madhubani.
13. Tara Nand Thakur Son of Late Baidyanath Thakur, Resident of Village- Rahua Sangram, Police Station- Bheja, District- Madhubani.
14. Indira Devi Wife of Late Mahesh Jha, Resident of Village- Nawada, Police Station- Bahera, District- Darbhanga.
15. Budhiyari Devi Wife of Late Rajeshwar Jha, Resident of Village- Brahmotra, Police Station- Ghoghardiha, District- Madhubani.
16. Kalpana Devi Wife of Late Bhavnath Jha, Resident of Village- Chikna, Police Station- Ghoghardiha, District- Madhubani.
17. Rangnath Jha Son of Late Sarangdhar Jha, Resident of Village- Nawada, Police Station- Bahera, District- Darbhanga.
18. Ashok Nath Jha Son of Late Haribansh Jha, Resident of Village- Rahua Sangram, Police Station- Bheja, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.



2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer-cum-District Planning Officer, Madhubani.
5. The District Programme Officer, Madhubani.
6. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
7. The Secretary, Bihar Sanskrit Shiksha Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar Jha, Advocate
For the Respondent/s : Mr.Sanjay Kumar, AC to GP 23

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-07-2023 Heard Mr. Hemant Kumar Jha, learned counsel

appearing on behalf of the petitioners and Mr. Sanjay Kumar,

learned AC to GP 23 for the State.

2. The petitioners have sought for following relief(s) :

“That this is an application for issuance of a writ in the nature of mandamus and/ or any other appropriate writ, order or direction directing and commanding the respondents to make payment of post retiral dues in the form of deductions of Dearness Allowance and the Salary deposited in the General Provident Fund account of the petitioners in accordance with "Essential Deposit Plan" along with statutory interest, which has not been paid to the petitioners although the same amount was deducted from the salary of the petitioners and the petitioners have also retired from service.”

3. All the petitioners in the writ petition have sought

for payment of retiral dues in the form of deduction of

Dearness Allowance and salaries deposited in their General



Provident Fund Account along with the statutory interest, as the same has not been paid to them.

4. The petitioners have sought to file individual representation and disposal of the present writ petition in terms of order passed in the case of ***Dwarika Nath Singh Vrs. The State of Bihar & Ors. (CWJC No.17536 of 2012) and Narayan Jha & Ors. Vrs. The state of Bihar & Ors. (CWJC No.11156 of 2017).***

5. The writ petition is disposed of with a direction to the concerned respondent to examine the individual claim of the petitioners in light of the judgment/order relied by the petitioners and ensure that the admissible amount are paid to the petitioners with statutory interest till the date of payment within a period of six weeks from the date of receipt/production of a copy of this order in accordance with law. In case the claim of the petitioner in whole or in part is rejected, the same must be through speaking order.

6. The present writ petition stands disposed of on aforesaid terms.

(Purnendu Singh, J)

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