

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10577 of 2020

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Dinkar Jha, Son of Late Tej Narayan Jha Resident of Village- Dath, Police Station- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Bihar, Patna.
2. The Additional Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Education Officer Samastipur.
4. The District Program Officer (Secondary Education and Literacy), Samastipur.
5. The District Program Officer Establishment, Samastipur.
6. Sri Shyam Sundar Singh, In-Charge Headmaster Project Girls High School, Mangalgarh, P.S.- Hasanpur, District- Samastipur.
7. The Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Anand, Advocate.
For the A.G.	:	Mr. Raj Nandan Prasad, Advocate.
		Mr. Vishesh Kumar Singh, Advocate.
For the Respondent/s	:	Dr. Anand Kumar, Advocate.
		Mr. Subhash Chandra Mishra, SC-16.
		Mr. Pramod Kumar Singh, AC to SC-16.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-07-2023

Heard Mr. Vijay Anand, learned counsel appearing on behalf of the petitioner; Mr. Raj Nandan Prasad, learned counsel assisted by Mr. Vishesh Kumar Singh, learned counsel for the Accountant General and Dr. Anand Kumar, learned counsel for the State.

2. The petitioner has filed the present writ petition for the following reliefs:



“That the present writ petition is being directed for issuance of a writ in the nature of mandamus or any appropriate writ/s commanding the respondents by issuing direction to the respondents concern to make payment of pension amount since superannuation w.e.f. 31.01.2017 from the post of In-Charge Headmaster, Project Girls High School, Mangalgarh after it's fixation as the petitioner is yet deprived from getting pension and other retiral dues on account of non cooperation and inimical behavior of Respondent In-Charge Headmaster, whereas petitioner is entitled to get 90% provisional pension amount pursuant to letter No. 17 dated 14.05.2019 issued by Respondent No.2. However the petitioner further prays besides pension and retiral dues, arrear of salary for the month of December, 2016 and January, 2017 may be paid to the petitioner together with interest as per market rate or as permissible in law over and above the entire amount payable to the petitioner.”

3. A Counter affidavit has been filed on behalf of the District Programme Officer, Samastipur, who is physically present in the Court and he submits that he has sanctioned the entire amount on account of retiral dues admissible to the petitioner and it has been sent to the Treasury Officer to be credited into the account of the petitioner by the Treasury Officer, Samastipur forthwith by tomorrow i.e. on 07.07.2023.

4. Mr. Vijay Anand, learned counsel appearing on behalf of the petitioner submits that petitioner has filed complaint against the authority concerned and has informed him that he will withdraw the complaint lodged against any officer including the In-charge Headmaster.

5. Be that as it may, the officer concerned is free to take appropriate action in accordance with law.



6. The Personal appearance of the District Programme Officer, Samastipur is dispensed with.

7. The writ petition is disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.07.2023
Transmission Date	N.A.

