

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8990 of 2020

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Dr. S. Shamvil Hassan S/o- Late Safir Hassan R/o- Village- Shahganj, P.S.-
Sultanganj, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The District Education Officer, Nalanda.
4. The Incharge- Head Master, Plus 2 High School, Sarmera, Nalanda.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 07-12-2023 Heard Mr. Mukesh Kumar, learned counsel appearing

on behalf of the petitioner and learned counsel for the State as

well as learned counsel for respondent no. 4.

2. The petitioner who superannuated on 31.01.2020
from the post of Incharge-Head Master, +2 High School,
Sarmera, Nalanda, filed the present writ petition seeking a
direction upon the respondents to ensure payment of all his post
retiral benefits/ other admissible dues.

3. It is submitted that after having been superannuated
from the aforesaid post when the petitioner has not been
accorded the retiral benefits, he approached before this Court



and this Court vide order dated 30.01.2021 has directed the State authorities to file counter affidavit, thereupon the respondent authorities came up with a plea of financial irregularity and consequent thereupon, initiated a proceeding under rule 43(b) of the Bihar Pension Rules, 1950.

4. Taking note of all the facts narrated in the writ petition as well as counter affidavit, this Court has directed to inquire the matter and take action against the then Incharge-Head Master of the school in question, who has not informed about the financial irregularities on the part of the petitioner as details of financial expenditure made by him, while he was the Incharge-Head Master has not been furnished.

5. Today it has been informed to this Court by the learned counsel for the petitioner, that the petitioner has been exonerated from all the charges in the departmental proceeding vide memo no. 791 dated 21.04.2022 issued by the Director, Secondary Education, Bihar.

6. Under such circumstances, he submits that neither there is any charge in connection with any financial irregularity nor there is pending departmental proceeding. He thus submits on being exonerated from the charges, there is no impediment in making payment of all the retiral benefits.



7. The aforesaid facts has not been controverted by learned counsel for the State as well as the learned counsel representing respondent no.4.

8. In view thereof, the present writ petition stands disposed off with a direction to the respondent no. 3, to ensure all the admissible retiral benefits/ other dues preferably within a period of eight weeks from the date of receipt/ production of a copy of this order, if the same is not made to the petitioner as yet.

9. This disposes the writ petition.

(Harish Kumar, J)

supratim/-

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