

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10172 of 2022

Mahendra Narayan Pandey son of Late Tophi Pandey, resident of Village and P.O. Ghorbanki, P.S. and Block- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer, Madhubani, District- Madhubani.
5. The District Programme Officer (Establishment), Madhubani, District- Madhubani.
6. Bihar Sanskrit Shiksha Board, Patna Through the Secretary.
7. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
8. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
9. The Headmaster, Brahmarshi Prathmik Sah Madhya Sanskrit Vidyalaya Village- Panchratna, P.O. Ghorbanki, Block- Basopatti, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate Mr. Abhinav Shandilya, Advocate
For the State	:	Mr. Hitesh Suman, AC to SC-13
For the Sanskrit Board	:	Mr. Satyam Shivam Sundaram, Advocate Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 07-08-2023

Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner, Mr. Hitesh Suman, learned AC to learned SC-13 appearing on behalf of the State and Mr. Satyam Shivam Sundaram, learned counsel for the Sanskrit Board.

2. The petitioner has sought for following relief(s) :

“That this writ application on behalf of the



petitioner above named is for following

*(I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities for payment of post retiral dues in the form of deductions of dearness allowance/subsistence allowance deposited in the General Provident Fund account in accordance with “Essential Deposit Plan” on the ground that the amount was deposited in the General Provident Fund Account of the petitioner after deducting it from the salary of the petitioner as also the petitioner superannuated from the service but for no reasons the same has not been paid to the petitioner.*

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to make the aforesaid amount with statutory as well as penal interest and cost of litigation on the ground that delay in payment is directly attributable on the part of the Respondents.*

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. The petitioner in the writ petition has 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 petitioner seeks to file 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 claim of the petitioner in light of the judgment/order relied by the petitioner and ensure that the admissible amount are paid to the petitioner 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)

Niraj/Nilmani

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	08.08.2023
Transmission Date	N/A

