

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11308 of 2023

Bindeshwar Ram Son of Late Bhadaï Ram Resident of Village-Gangwara,
Police Station-Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additinal Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Sitamarhi.
4. The District Programme Officer, (Establishment), Sitamarhi.
5. The Drawing and Disbursing Officer, Marwari Middle School Pupari, Sitamarhi.
6. The Treasury officer, Sitamarhi.
7. The Accountant General, Bihar, Patna.
8. The Senior Account Officer, Office of the Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ram Sagar Singh,Advocate
For the A.G. (Bihar)	:	Dr. Anand Kumar, Advocate
		Mr.Ramesh Gupta, Advocate
For the Respondent/s	:	Mr.Madhaw Pd. Yadaw (GP23)
		Ms.Meera Singh, AC to GP 23

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 15-09-2023

Heard Mr. Ram Sagar Singh, learned counsel appearing on behalf of the petitioner; Dr. Anand Kumar, learned counsel for the Accountant General (Bihar) and Mr. Madhaw Pd. Yadaw, learned GP 23 for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to file a detail representation before the District Programme Officer (Establishment), Sitamarhi to make payment of retiral



dues, as claimed by the petitioner in the present writ petition, in terms of judgment dated 23.09.2022 passed in CWJC No.2783 of 2021 and analogous cases. He further submits that the case of the petitioner is also identical to the case of the petitioners of CWJC No.2783 of 2021 and analogous cases.

3. Learned counsel for the petitioner further submits that the respondents have admitted that no recovery can be made after the retirement, in terms of letter no.242 dated 20.01.2023 (Annexure - '8') .

4. Considering the aforesaid submissions and the petitioner having restricted his prayer, the respondent no.4, the District Programme Officer (Establishment), Sitamarhi, is directed to ensure not to recover any amount, in case the petitioner's case is covered by the judgment passed in CWJC No.2783 of 2021 and analogous cases. In case he finds that the case of the petitioner is not identical, he is directed to provide an opportunity of hearing to the petitioner and give his own findings as to why the case of the petitioner is not identical and the petitioner is not entitled for reliefs as claimed in the present writ petition in accordance with law.



5. The above exercise is directed to be concluded within a period of six weeks from the date of communication of this order/filing of the representation.

6. In case of failure to exercise jurisdiction in accordance with law by the District Programme Officer (Establishment), Sitamarhi, in that case the petitioner is at liberty to take appropriate legal action against him in accordance with law.

7. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.09.2023
Transmission Date	

