

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14708 of 2022

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Lakho Kumari, Wife of Sudhakar Thakur, Resident of Mohalla- Krishna
Nagar, Batraha, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Special Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The Regional Deputy Director (Education), Koshi Division, Saharsa.
6. The District Education Officer, Saharsa.
7. The District Programme Officer (Establishment), Saharsa.
8. The Block Education Officer, Kahara, Saharsa.
9. The Head Master-cum-Drawing Disbursing Officer, Aadarsh Awasiya Madhya Vidyalaya Shikshak Sangh, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prem Kumar Jha, Advocate. Mr. Rajesh Kumar Jha, Advocate.
For the State	:	Smt. Binita Singh, SC-28. Mr. Vivek Anand Amritesh, AC to SC-28.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 20-06-2023

Heard Mr. Prem Kumar Jha, learned counsel
assisted by Mr. Rajesh Kumar Jha, learned counsel appearing
on behalf of the petitioner and Mrs. Binita Singh, learned SC-28
assisted by Mr. Vivek Anand Amritesh, learned AC to SC-28.

2. Petitioner has filed the present writ application
for the following reliefs:

*“That the petitioner prays for issuance of appropriate
writ/s, direction/s and order/s in the nature of “Mandamus”*



directing/ commanding the respondents for making payment of pension including family pension on revised up to date pay-scale like other similarly situated employee – Manju Kumari (Asstt. Teacher) w.e.f. 01.08.2018 with statutory interest for delayed period within a fixed point of time. And further, pass any other appropriate order/s for which the petitioner is found to be entitled in the given facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that a liberty be given to the petitioner to file a detailed representation before the Director, Primary Education, Government of Bihar, Patna – respondent no.4. Petitioner had earlier moved before this Court by filing C.W.J.C. No. 1732 of 2000 which was disposed of on 01.07.2005 after discussing all the facts by passing, *inter alia*, following order:

“Let the Director, Primary Education consider the claim of the petitioner, for which a representation along with a copy of this order would be filed within a period of one month from today and after considering the same on merit, appropriate order, in accordance with law, be passed taking the directive as quoted above for consideration within a period of one month from the date of filing of the said representation.”

4. In compliance of the order passed by this Court in C.W.J.C. No. 1732 of 2000, petitioner was appointed on the post of Assistant Teacher in the Middle School, Saharsa. Now, the petitioner is aggrieved by not being given pension under Old Pension Scheme. Petitioner has claimed parity with other similarly situated Assistant Teachers.

5. The petitioner, in above background, seeks to file



a detailed representation before the Director, Primary Education, Bihar.

6. Smt. Binita Singh, learned counsel appearing on behalf of the State has no objection, if the petitioner files a detailed representation before the Director, Primary Education to ventilate his grievance which shall be considered by the Director, Primary Education in accordance with law on the basis of the evidences which are available on record.

7. This Court finds that the eligibility of the petitioner has been questioned as to whether petitioner is entitled for pension under Old Pension Scheme.

8. In the interest of justice, considering the specific prayer of the petitioner that a liberty be given to him to file a detailed representation before the Director, Primary Education, the petitioner, if so advised, may file a detailed representation bringing on record all the evidences in support of his claim for being considered under Old Pension Scheme before the Director, Primary Education.

9. The Director, Primary Education, Bihar is directed to consider the representation of the petitioner in accordance with law and pass a reasoned order based on the evidences available on record as well as the law settled by this



Court within a period of six weeks from the date of filing of the representation.

10. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.06.2023
Transmission Date	N.A.

