

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6597 of 2023

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Bodh Narayan Yadav Son of Late Pipo Yadav, Resident of Village-Madhura,
Post Office and Police Station-Tarapur, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Munger Division, Munger.
5. The District Education Officer, Munger.
6. The Accountant General Office of the Accountant General (A and E), Veerchand Patel Path, Patna, Bihar-800001.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Kumar Kaushik, Advocate
For the State	:	Mr. Kumaresh Singh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-11-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“i. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to grant the financial benefit arising out of I.A. Trained Scale already sanctioned in his favour w.e.f. 08.07.1982 vide Memo No.5551-53 inasmuch as the petitioner who was appointed on 04.02.1960 on the post of Assistant Teacher, retired from service on 30.06.1999 and is being paid pension on the basis of Matric Trained Scale drawn last by him before his superannuation despite the fact that on paper, sanction



for I.A. Trained Scale was already accorded in his favour by the competent authority.

ii. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to grant arrears of difference of salary to the petitioner w.e.f. 01.04.1977 to the date of his superannuation, i.e., 30.06.1999.

iii. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to accordingly revise the pension of the petitioner including the post retirement benefit viz. gratuity, leave encasement etc. and make payment of the same to the petitioner.

iv. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to make payment of consequential arrears of difference of pension w.e.f. 01.07.1999 to the date of actual payment.”

3. After some arguments, learned counsel appearing on behalf of the petitioners requests for disposal of the present writ application granting liberty to the petitioner to raise his grievances by filing fresh representation before the Director, Primary Education, Education Department, Government of Bihar, Patna (Respondent No. 3), along with all the necessary documents and details in support of his claim. It is further submitted that case of the petitioner may be considered in light of Memo No. 5551-53 dated 08.07.1982 (Annexure-P-2 to this



writ application) issued under the signature of District Education Officer, Sahibganj.

4. In view of the limited nature of prayer, this writ application is disposed of with liberty to the petitioner to file representation before the Director, Primary Education, Education Department, Government of Bihar, Patna (Respondent No. 3) along with all the necessary documents and details in support of his claim within a period of six weeks from today.

5. In the event the petitioner files his representation within the stipulated period, the Director, Primary Education, Education Department, Government of Bihar, Patna (Respondent No. 3) shall examine the case of the petitioner and dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, in light of the Memo No. 5551-53 dated 08.07.1982 (Annexure-P-2 to this writ application) and if the petitioner is found entitled to the benefits, the same shall be extended to the petitioner, as expeditiously as possible.

(Prabhat Kumar Singh, J)

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