

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13302 of 2022

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1. Rajesh Kumar Son of Sri Ram Chandra Prasad Resident of New Area. Dehri, P.O. Dalmianagar, P.S. Dehri, District-Rohtas.
 2. Bhupendra Singh Achyut Son of Late Ishwar Dayal Singh Resident of Village Makrain, P.O. Dalmianagar, P.S. Dehri, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director Primary Education Department Patna.
3. The District Education Officer, Rohtas at Sasaram.
4. The District Programme Officer (Establishment), Rohtas at Sasaram.
5. The Treasury Officer Sasaram, Rohtas.
6. The Headmaster Earmarked Middle School, Bararhi, Akorhi Gola, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner No. 1 :	None
For the Petitioner No. 2 :	Mr. Bhupendra Singh Achyut, (In person)
For the Respondent/s :	Mr. Jitendra Kr. Roy 1 (Sc13) Mr. Hitesh Suman, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

6 09-09-2024 Heard Mr. Bhupendra Singh Achyut, petitioner No. 2 appearing in person and Mr. Jitendra Kumar Roy, learned State Counsel.

2. None appears for the petitioner No. 1.

3. The petitioner No. 1 is an Assistant Teacher at Middle School, Bararhi and the petitioner No. 2 is also an Assistant Teacher at Middle School, Baghakhoh, Block Akorhigola, Rohtas.

4. Both the petitioners have filed this writ petition for

payment of House Rent Allowance at the rate of 8% of the basic pay as per the resolution dated 11.10.2017 of the Department of Finance, Government of Bihar, issued under the signature of Secretary (Expenditure), Finance Department.

5. The respondent No.4/the District Programme Officer (Establishment), Rohtas at Sasaram has filed a counter affidavit, wherein, in paragraph No. 11 thereof it has been stated that after receiving the representation of the petitioners and enquiry report submitted by the Block Education Officer, Akorigola Rohtas vide letter No. 17 dated 26.04.2023, the District Education Officer, Rohtas vide memo No. L-1911 dated 28.04.2023 and memo No. L-2765 dated 24.05.2023, has granted and sanctioned the House Rent Allowance to the petitioners.

6. The petitioner No. 2 who is present in person has submitted that he was getting House Rent Allowance at the rate of 8% of the basic pay until May, 2022, whereafter the petitioner No. 2 was paid 4 % of the basic pay instead of 8% which continued till May, 2023. He has also submitted that from June, 2023 onward the respondents have again started paying House Rent Allowance at the rate of 8% of the basic pay. He, therefore, submits that as for the present payment of the House Rent

Allowance at the rate of 8% of the basic pay, he has no further grievance but he should also be paid House Rent Allowance at the rate of 8% from June, 2022 to May, 2023 during which period he was paid only 4% of the basic pay as House Rent Allowance. He has also submitted that the grievance of the petitioner No. 1 is also the same.

7. Having heard the petitioner No. 2 in person and the learned State Counsel and also having regard to the fact that the respondent No. 4 has filed a counter affidavit stating that the respondents have granted and sanctioned House Rent Allowance to the petitioners and they have also been paid at the rate of 8% of the basic pay, this writ petition shall stand disposed of with a direction to the respondents to also pay the petitioners, House Rent Allowance at the rate of 8% of the basic pay for the period June, 2022 to May, 2023.

8. The writ petition is disposed of with the above direction.

(Nani Tagia, J)

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