

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16887 of 2023

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Nava Chandra Jha Son of Late Lakshman Kant Jha, Ward No.- 12, Resident of Village- Ahpur Damodarpur, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer, Madhubani.
7. The Block Education Officer, Block- Bisfi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Respondent/s : Mr. Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Ratanakar Jha, learned counsel appearing on behalf of the petitioner and Mr. Dr. Mankeshwar Tiwari, learned counsel for the State.

2. The petitioner, claiming himself to be son of Late Lakshman Kant Jha, has filed the present writ petition seeking a direction upon the respondents to ensure payment of deducted amount of provident fund of the petitioner's father, with up-to-date interest, for the period from 29.06.1962 to 30.11.1976, while the father of the petitioner was working as Primary School Teacher in the district of Madhubani.



3. It is submitted that the father of the petitioner superannuated as an Assistant Teacher on 31.01.1995, from Middle School, Heropatti, Block - Bisfi, District - Madhubani and all his retiral benefits were paid, except the amount deducted against the provident fund for the period, noted hereinabove.

4. It is the case of the petitioner that vide letter No. 1947 dated 14.08.2015, issued by the District Education Officer, Madhubani addressed to all the Block Education Officers of the district, requesting them to verify the names of the retired/deceased Primary Teachers and furnish all the particulars, so that the remaining dues of provident fund for the period 1962 to 1976 may be paid to the teachers, who had worked in different primary/middle schools. It is also submitted that the name of the petitioner's father finds place at Sl. No. 294 of the list of the teachers submitted on behalf of the District Programme Officer (Est.) Madhubani, the copy of which has also been placed on record. He lastly submits that despite the fact that the petitioner's father died on 20.07.2005, till date, his admissible amount of GPF has not been paid.

5. A counter affidavit has been filed on behalf of the respondent no. 6, stating therein, that admittedly the father of



the petitioner superannuated on 31.01.1995 and pursuant to a public notice, issued under the signature of District Programme Officer (Est.) Madhubani, by which retired/nominees of dead teachers were invited to give details in the format provided in the notice in the year 2015, but no sufficient documents have been furnished before the office of the deponent and the claim of the petitioner raised on behalf of his father, without showing any valid proof, that the deducted amount of the provident fund of the said period was not paid to his father. It is also submitted that after review of the matter, it is found that since 2003, to till now, the office of the District Programme Officer (Est.) Madhubani, which was earlier operating in the name of the District Superintendent of Education has been shifted to many places, and the relevant records related to the said period are not available in the office. In such a situation, the respondents are facing difficulty to accede the prayer of the petitioner.

6. After having carefully heard the parties and considering the averments made in the counter affidavit and also taking note of the fact that the father of the petitioner superannuated way back in the year 1995 and died in the year 2005, this Court left with no option, but to direct the petitioner to file a proper representation along with the relevant documents



in support of the relief sought for, in the present writ petition, preferably within a period of four weeks. In case, such a representation is filed within stipulated period, the respondent District Programme Officer (Est.), Madhubani shall consider the claim of the petitioner, after proper verification of the record and pass necessary and reasoned order, preferably within a further period of eight weeks, thereafter.

7. Needless to observe that, in case, the petitioner is found entitle for the reliefs, prayed for, in the writ petition, the consequential benefits must be ensured to him, within the stipulated period.

8. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2024.
Transmission Date	NA

