

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17319 of 2023

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Hrideshwar Prasad Sinha Son of Late Akhileshwar Prasad Sinha Resident of
Gola Mohalla, Ara, Bhojpur, Police Station-Town Thana, District-Bhojpur at
Ara.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secreary, Department of Education,
Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar,. Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Bhojpur at Ara.
5. The District Programme Officer (Estt.), Bhojpur at Ara.
6. The Accountant General, Veer Chand Patel Path, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, G.A.-8

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Ranjan Kumar Singh, learned counsel
appearing on behalf of the petitioner, Ms. Kalpana, learned
counsel appearing on behalf of the State and Mr. Ram Kinkar
Choubey, learned counsel appearing on behalf of the Accountant
General, Bihar.

2. The petitioner superannuated on 31.07.2017 as an
Assistant Teacher from upgraded Middle School Piparpati,
Barhara, Bhojpur, at Ara has filed the present writ petition under
Article 226 of the Constitution of India seeking a direction upon
the respondent to ensure the revision of his retiral entitlement



from the date of retirement with actual benefit, after fixation of his pay with due date in terms of order / judgment dated 12.09.2022 passed in C.W.J.C. No. 15610 of 2018. It is further submitted that the petitioner has also not been accorded the difference of salary on account of 7th Pay Revision Commission till date.

3. It is submitted on behalf of the petitioner that despite having rendered more than 30 years of service the petitioner has neither been allowed the benefit B.A. trained scale which was due since 01.05.1997 nor granted promotion on the post of Head Master, which was due with effect from 01.05.2001, rather his pension has been fixed on the matric trained scale, ignoring all his entitlement. He next submitted that the identical matter has been travelled before this Court in CWJC No. 15610 of 2018 which was duly allowed vide order/judgment dated 12.09.2022 with the directions to the respondents to ensure payment of all the consequential benefits even to those who have superannuated. He next submitted that for redressal of his grievance representations have been filed before the Director, Primary Education and all the other authorities but the claim of the petitioner has not been acceded.

4. On the other hand, learned counsel for the State submits that she may be allowed some time to respond to the



averments made in the writ petition.

5. Considering the nature of the grievance as prayed for in the writ petition this Court deems it proper to dispose of of the writ petition with a direction to the Director Primary Education to consider the representation of the petitioner as contained, in Annexure P/2 series dated 02.11.2023, preferably within a period of 10 weeks from the date of receipt/production of a copy of the order.

6. Needless to observe that, in case, the claim of the petitioner is found covered by the judgment rendered by this Court in the case of Raghvendra Sharma Vs. State of Bihar in CWJC No. 15610 of 2018, the similar benefit must be accorded to the petitioner within the stipulated period. It is also directed that within the aforesaid period the other grievance of the petitioner be also looked into and readdressed by passing a reason and speaking order.

7. Accordingly, this Writ Petition stands disposed of.

(Harish Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

