

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.705 of 2024

Ashok Kumar Yadav Son of Shukdeo Prasad Yadav, resident of village -
Soinkhan Bhatha, P.S. - Zero Mile Industrial Area, District - Bhagalpur,
Retired Headmaster, Marwari Pathshala, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Munger Division, District - Bhagalpur.
4. The District Education Officer, Bhagalpur.
5. The District Programme Officer (Establishment), District - Bhagalpur.
6. The Accountant General, Bihar, Birchand Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Praful Chandra Thakur, Adv. Mr. Pramod Mishra, Adv.
For the Respondent/s	:	Mr. Rajeev Ranjan, AC to GP-20
For the AG	:	Mr. Arun Kumar Arun, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-07-2024

Heard the parties.

2. The petitioner by filing the present writ petition seeking a direction upon the respondent authorities to revise his pension in the light of the letter no. 11989 dated 30.12.2011 issued by the Finance Department and to ensure payment of arrears of difference of pensionary benefits.

3. The learned counsel for the petitioner contended that the petitioner superannuated on 31.07.2011 from the post of



Head Master, Marwari Pathshala, Bhagalpur. However, despite the recommendation made by the District Programme Officer (Establishment), Bhagalpur vide his letter no. 700 dated 29.12.2020, the pension of the petitioner has not been revised.

4. A counter affidavit has been filed on behalf of respondents no. 6. Para-7 thereof, suggests that on a request made by the Office of the Accountant General, the claim of the petitioner was considered and turned down by the Director (Secondary Education), Government of Bihar, Patna, vide his letter no. 2537 dated 01.11.2022. However, in the light of the averments made in the present writ petition, the Director (Secondary Education), has further been requested to re-examine the issue and to provide departmental decision vide letter dated 05.01.2024, the copy of which has been marked as Annexure-R6/1 to the counter affidavit.

5. At this stage, the learned counsel for the petitioner submits at the Bar that the petitioner may be allowed to file a fresh representation before the Director (Secondary Education), Government of Bihar, Patna, who is the competent authority to take up the claim of the petitioner and pass final order.

6. In view of the submissions made at the Bar, the present writ petition stands disposed of reserving liberty to the



petitioner to file a fresh representation before respondent no.2, preferably within a period of four weeks from today.

7. If such a representation is filed, respondent no.2 shall consider the same and pass a reasoned and speaking order.

8. Needless to observe that if the petitioner is found entitled for revision of his pension, the same shall be accorded within a further period of eight weeks.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-07-2024
Transmission Date	

