

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6724 of 2023

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Janardan Rai Son of Late Keshav Rai Resident of Mohalla - Nalanada
Colony, Khazepura, P.S. - Rajeev Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through Additional Chief Secretary, Finance Department, Old Secretariat, Patna
2. Additional Chief Secretary, Education Department, New Secretariat, Patna
3. Director (Administration), Education Department, New Secretariat, Patna
4. Accountant General, Bihar, Veer Chand Patel Path, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma
For the Respondent/s: Mr. Smt. Binita Singh (Sc 28)
For the A.G : Mr. Ram Kinker Choubey, SC (IA & AD)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 15-02-2025 Heard learned counsel for the petitioner and

learned counsel for the respondents.

2. It is the second round of litigation between the parties before this Court. In the first round of litigation, the petitioner filed C.W.J.C. No. 21924 of 2014 which has been decided on 13.07.2017. Against the said order, L.P.A. has been preferred by the petitioner in L.P.A. No. 1027 of 2017.

3. On 31.07.2017, the Division Bench of this Court in the said L.P.A. passed the following order;

“We find that recently the Hon’ble
Supreme Court by a detailed order passed on



14.07.2014 in Civil Appeal No. 8226-8227 of 2012 in contempt petition (Civil) NO. 88-89 of 2013 issued various directions in paragraph 36(iii) of the aforesaid order. Hence, learned counsel for the petitioner submits that in case, the case of the petitioner is considered in accordance with the aforesaid direction, the petitioner would be satisfied.”

4. In the said L.P.A., a liberty was also given to the petitioner to make a representation directing the concerned respondents to decide the same in terms of the judgment passed by the Hon’ble Supreme Court passed in Civil Appeal No. 8226-8227 of 2012 in Contempt petition (Civil) No. 88-89 of 2013. In light of said liberty, the petitioner filed his representation before the competent authority which has been rejected vide its order dated 27.08.2018 (Annexure-7).

5. Perusal of the order dated 27.08.2018 (Annexure-7) clearly shows that while deciding the claim of the petitioner, the concerned authority did not consider the claim of the petitioner in light of the judgment referred herein-above and passed order rejecting the claim of the petitioner on the ground that since the petitioner has been retired on 31.07.2001, therefore, he is not entitled to get any benefit in light of Sankalp No. 367 dated 29.01.2014.

6. Since while deciding the claim of the petitioner, the observation made by the Hon’ble Supreme Court in



above mentioned case has not been considered by the respondents, it would be appropriate to dispose of the petition at this stage itself. Accordingly, this petition is disposed of and the impugned order dated 27.08.2018 (Annexure-7) is hereby set aside. The concerned respondent is directed to reconsider and decide the claim of the petitioner in light of the judgment passed by the Hon'ble Supreme Court as referred herein-above and pass a reasoned and speaking order preferably within sixty (60) days from the date of receipt of a copy of the order of this Court.

7. With the aforesaid observation and direction, this petition stands disposed of.

(Arvind Singh Chandel , J)

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