

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1029 of 2022

In
Civil Writ Jurisdiction Case No.19985 of 2019

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Awadhesh Kumar Upadhayay S/o Late Dharam Nath Upadhayay Resident of
Mohallah- Vijay Nagar, Road No.3, Kankarbagh-20, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board Patna.
2. Sri Anand Kishor, The Chairman, of Bihar School Examination Board, Patna.
3. Sri Pramod Kumar, The Secretary, Bihar School Examination Board, Patna.
4. Chandan Kumar, The Deputy Secretary, Bihar School Examination Board, Patna.
5. Ashok Kumar, The Finance Officer, Bihar School Examination Board, Patna.
6. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Virendra Prasad, Advocate
For the Opposite Party/s	:	Smt. Shilpa Singh (GA-12)
For the State	:	Mr. Apurva Kumar, Advocate
For the BSEB	:	Mr. Sunil Kumar Mandal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 04-04-2025

Heard learned counsel for the parties.

2. The instant application has been filed by the petitioner alleging violation of the directions contained in order dated 9.9.2020 passed in CWJC no.19985 of 2019.

3. By the aforesaid order, while quashing the order of punishment contained in memo no.3201/2019 dated 19.8.2019 issued under the signature of the Secretary, Bihar School



Examination Board, Patna, this Court had observed that the petitioner would be entitled to all consequential pensionary benefits.

4. Learned counsel for the Bihar School Examination Board in reference to the show-cause filed on behalf of the Board and more particularly paragraph no.8 thereof submits that as the saving bank account of the petitioner had remained inoperative, the amount due to the petitioner under the head of group insurance, provident fund, gratuity, earn leave and arrears of pension, details of which has been given in the chart mentioned in paragraph no.8, was paid to the petitioner vide different drafts. For ready reference the chart given in paragraph no.8 of the show-cause is reproduced herein below :-

Sl. No.	Head	Draft No.	dated	amount
1	G.I	588147	25-08-2022	1,15,501
2	P.F	588151	25-08-2022	9,29,442
3	GRATUTIY	588149	25-08-2022	8,46,299
4	EARN LEAVE	588148	25-08-2022	2,46,028
5	PENSION ARREAR	588150	25-08-2022	23,36,579

5. In response, it is submitted by learned counsel for the petitioner that the directions contained in the order has not been complied with yet, as no calculation chart with respect to the arrears paid has been issued to the petitioner nor has the petitioner been issued the pension payment order.



6. Having heard learned counsel for the parties and taking into consideration the prayer made in the writ application, the directions contained in the order dated 9.9.2020 passed in the writ application from which the instant contempt application arises and the contents of the show-cause filed on behalf of the Board, the Court is satisfied that the directions contained in the order from which the instant contempt application arises has been substantially complied with.

7. For the remaining dues, as contended, the petitioner will be at liberty to move the appropriate authority/Bihar School Examination Board for payment thereof.

8. This application stands disposed of.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.04.2025.
Transmission Date	

