

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1728 of 2024

In

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/s

Versus

1. The State of Bihar.
2. Mithilesh Mishra, Son of not Known Director, Primary Education,
Government of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajay Behari Sinha, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

11 08-08-2025

Heard the parties.

2. Showing compliance of the order of this Court,
show-cause affidavit as well as supplementary show-cause
affidavit and second supplementary show-cause affidavit have
been filed on behalf of the O.P. No.2.

3. Learned Senior Advocate, Mr. Ajay Behari Sinha,
representing the State authorities submitted that on being found
entitled, the petitioner has been paid Rs.1,51,486/- due to
shifting in his date of promotion and grant of 2nd MACP.
Further, Rs.71,925/- as difference of arrears of salary on account
of 7th Pay Revision as also Rs.29,267/- as difference of earned
leave of 226 days have also been paid to the petitioner.

4. Referring to the averments made in the show-



cause/supplementary show-cause affidavit, submission has been made that now the grievance of the petitioner has been fully redressed in terms with the order of this Court under contempt.

5. Learned Advocate for the petitioner submitted that from the copy of the acquaintance roll, which has been placed on record in the second supplementary show-cause affidavit, it appears that the entire retiral benefit of the petitioner has been calculated based upon his last basic pay as Rs.60,400/-; though, the basic pay of the petitioner, the date on which he superannuated was Rs.64,100/-; hence, his submission is confined that entire calculation has been made on a wrong premise and accordingly the petitioner has not been extended the due admissible retiral benefits.

6. Learned Advocate for the petitioner also drew the attention of this Court to various annexures and contended, the fact is not in dispute that the respondents themselves admitted that the petitioner should be allowed the benefit based upon his last basic pay of Rs.64,100/-. Notwithstanding the aforesaid fact, the petitioner has been denied the admissible due amount.

7. Before considering the submissions set forth, it would be pertinent to note that this Court by the order under contempt had directed as follows:-

“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 v. 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 reasoned and speaking order.”

8. Considering the nature of the order, this Court does not find any reason or occasion to continue with the present proceeding; however, if the petitioner is still any grievance with regard to the admissibility of his retiral benefits and other dues based upon his last basic pay, he shall be at liberty to approach before the Director, Primary Education, Government of Bihar, Patna.

9. It is expected that if the petitioner shall approach before the Director, Primary Education, Government of Bihar, Patna, his claim shall be considered expeditiously.

10. The contempt petition stands closed with the liberty aforesaid.

(Harish Kumar, J)

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