

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14251 of 2022

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Gopal Mehtar Son of Late Baldeo Mahtar, Resident of Village- Vijaynagar,
P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Secondary Education, Bihar, Patna.
2. The Director (Secondary Education), Government of Bihar, Patna.
3. The Regional Deputy Director (Secondary Education), Bhagalpur Division, Bhagalpur.
4. The District Education Officer, Banka.
5. The District Programme Officer (Estd.) Department of Education, Banka.
6. The Head Master, R.M.K. High School, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Rajib Ranjan Jha, Advocate
For the State	:	Mr. Jai Prabhat Kishore, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 09-07-2025

1. Heard Mr. Rajib Ranjan Jha, learned counsel for the petitioner and Mr. Jai Prabhat Kishore, learned AC to SC-13 for the State.

2. This writ petition has been filed by the petitioner seeking a direction to the respondents to consider the services rendered by the petitioner with effect from 16.07.1990 for computing the length of qualifying service for grant of pensionary benefits to the petitioner.



3. The petitioner is a Peon in R.M.K. High School, Banka.

4. According to the petitioner, the petitioner was appointed as Peon by an order issued by the Deputy Education Direction (Secondary Education), Bihar, Patna vide Memo No. 4319 dated 20.11.1989 and in pursuance thereof the petitioner joined as Peon on 16.07.1990.

5. The petitioner's services was terminated on 14.05.1997, which was put to challenge by the petitioner by filing C.W.J.C. No. 8770 of 1999, which writ petition was allowed by this Court by an order dated 12.08.2004, thereby setting aside the order of termination of the petitioner. The petitioner was reinstated in service on 20.09.2004.

6. The petitioner was again terminated from the service on 02.11.2004, which again was interfered with by this Court vide order dated 21.06.2006 in a writ petition filed by the petitioner being C.W.J.C. No. 1658 of 2005 challenging the termination order dated 02.11.2004.

7. The order dated 21.06.2006 passed in C.W.J.C. No. 1658 of 2005 was put to challenge by the State in L.P.A. No. 1146 of 2014 which was dismissed by an order dated 11.04.2007 passed in the L.P.A. Thereafter the petitioner was



again reinstated in service by an order dated 09.11.2017 passed by the District Education Officer, Banka on the condition that the same shall be subject to the order that may be passed by the Supreme Court in a SLP proposed to be filed by the department. The S.L.P. filed by the State, challenging the order passed in L.P.A. No. 1146 of 2014, was dismissed by an order dated 04.01.2018 passed in SLP(civil) Diary No(s). 39024 of 2017 (Annexure-11).

8. The petitioner is now before this Court with a prayer that his services as Peon in R.M.K. High School, Banka be counted from 16.07.1990, which is the date of joining of the petitioner as Peon and not from 09.11.2017, which is the date of reinstatement of the petitioner in service after his second termination order was set aside by the learned Single Judge of this Court which has also received the approval from the L.P.A. Court as well as the Hon'ble Supreme Court.

9. Respondent No. 5 / The District Programme Officer (Establishment), Banka has filed a counter affidavit.

10. In the counter affidavit filed by the District Programme Officer (Establishment), Banka, no stand has been taken as to whether the petitioner's past services from



16.07.1990 should or should not be taken into account for the purpose of computing the length of qualifying service for grant of pensionary benefits except to say in paragraph Nos. 11 and 12 that the petitioner has been reinstated in service as Peon on 09.11.2017 and the petitioner is getting the pay scale and other benefits from 09.11.2017.

11. Upon hearing the learned counsel for the parties and on perusal of the materials on record, it appears that the last/second termination order of the petitioner has been set aside and quashed by the learned Single Judge of this Court by an order dated 20.06.2013 passed in C.W.J.C. No. 4846 of 2011, which has received the approval of the L.P.A. Court in L.P.A. No. 1146 of 2014, whereafter the petitioner was reinstated on 09.11.2017 on the condition that the same shall be subject to the order of the Hon'ble Supreme Court in the S.L.P. that may be filed by the Department. The S.L.P. preferred by the Department was also dismissed on 04.01.2018 in SLP(civil) Diary No(s). 39024 of 2017 (Annexure-11).

12. In that view of the matter, since the second termination of the petitioner from the service as Peon has been set aside and quashed by this Court on being found to be



illegal and the petitioner having been reinstated in service on 09.11.2017, there is no reason why the petitioner's past services from 16.07.1990, which is the date of joining of the petitioner pursuant to his appointment as Peon, should not be counted for the purpose of computing the length of qualifying service for grant of pensionary benefits to the petitioner.

13. In view of the above, this writ petition is hereby allowed with a direction to the respondents including the respondent No.2 to count the past services of the petitioner from 16.07.1990 for the purpose of computing the length of qualifying service for grant of pensionary benefits to the petitioner.

14. Accordingly, the writ petition is disposed off with the above directions.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.07.2025
Transmission Date	N.A.

