

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17739 of 2024

Abha Kumari W/o Griesh Kumar Sah Resident of Ward No 2, Gulzarbagh,
P.O. and District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director (Administration)-Cum-the Additional Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna-Cum-the Disciplinary Authority,
3. The Director, Primary Education Department, Govt. of Bihar, New Secretariat, Patna.
4. The Director, Secondary Education Department, Govt. of Bihar, New Secretariat, Patna.
5. The Treasury Officer, Madhepura.
6. The Accountant General, Bihar Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha
For the State	:	Mr. Divya Verma, AC to AAG-3
For the Respondent No. 6	:	Mrs. Ritika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-01-2025 Heard learned counsel for the petitioner, learned AC to AAG-3 for the State and learned counsel appearing on behalf of respondent no. 6.

2. Learned counsel appearing on behalf of the State submits that a CBI inquiry was held against the petitioner in which it was found that her appointment is illegal, accordingly, a charge memo was issued to the petitioner based on which a departmental proceeding commenced and the petitioner was found guilty and, accordingly, her 100% pension was stopped by an order dated 16.02.2024 (Annexure-P/15). It is further submitted by the learned



State Counsel that the order dated 16.02.2024 impugned in the instant writ application has been withdrawn by the State in view of an order passed by the Hon'ble Division Bench of this Court in L.P.A. No. 1219 of 2023 and analogous cases (Annexure-P/16 to the writ application). It is further submitted that since the order impugned has already been withdrawn, as such, nothing remains to be decided in the instant writ application.

3. At this stage, learned counsel appearing on behalf of the petitioner submits that no doubt, the order impugned has been withdrawn but then the gratuity and earned leave of 300 days have not been paid to the petitioner.

4. The learned State Counsel submits that issue with respect to gratuity and earned leave shall be decided by the authority.

5. Since the order impugned has been withdrawn, as such, petitioner would be at liberty to file a representation before the authority competent seeking the aforesaid gratuity and earned leave and the authority competent shall decide the claim of the petitioner within a period of four weeks from the date of filing of the representation.

6. Accordingly, the writ application is disposed of with the aforesaid observation and direction.

(Satyavrat Verma, J)

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