

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1336 of 2025

1. Kamalesh Kumar Pandey S/o Sheo Kumar Pandey, Vill and P.O.- Bikram English, P.S. - Sikroul Block - Itarhi, District Buxar, Bihar 802117 Worked as Junior Engineer, Bihar Education Project, Jamui.
2. Dr. Indu Tripathy W/o Punil Kumar Pandey, Residence- Urvasi Cinema Road, near Bank of Baroda, P.O. - Bettiah, District- West Champaran Worked as Assistant Programme Officer, Bihar Education Project Council, West Champaran Bihar.
3. Raghunath Jha, Son of Late Babujee Jha @ Babuji Jha, R/o village Ramnagar, Post Office Dholi, P.S. Sakra, Distt Muzaffarpur. Worked as Assistant Resource person, Bihar Education Project Council.
4. Dhananjay Kumar, S/o Late Bishwanath Prasad, Residence - Bishwanath Bhawan, Indrapuri, Road No.- 1, Ratu Road, P.O. - Hehal, P.S. - Sukhdeo Nagar, Dist. - Ranchi, Jharkhand. Worked as Assistant Engineer, District Level Office of Bihar Education Project, Gaya, Bihar.
5. Sanjay Kumar, S/o Late Jawahar Singh, Residence - Usari, P.O. and P.S. Dawath, Dist. - Rohtash, Worked as Assistant Engineer, District Level Office of Bihar Education Project, DLO Patna, Bihar.
6. Sheo Shankar Prasad Son of Late Santan Prasad, Residence-Tulbul, P.O. Tulbul, P.S. Rajpur, District Chatra, Jharkhand. Worked as Assistant Programme Officer, Bihar Education Project, Muzaffarpur, Bihar.
7. Kamal Nath Jha, Son of Sri Kali Nath Jha, Residence-403, Om Anand Vihar Apartment, Road No. 1F, Rajbanshi Nagar, PO Shastri Nagar, P.S Shastri Nagar District Patna, Bihar. Worked as Assistant Programme Officer, Bihar Education Project, West Champaran, Bihar.
8. Rabindra Kishore, S/o Late Sri Bishwanath Singh, R/o Mishra Tola, Gannipur, Muzaffarpur. Worked as Assistant Resource person, District Level Office of Bihar Education Project, West Champaran, Bihar.
9. Saraswati Devi, W/o Late Ram Vinod Thakur, R/o Ram Das Bhawan, Yapur, Shivagi Path, East Gardanibagh, Patna- 800001.

... .. Petitioner/s

Versus

1. The Bihar Education Project Council Shiksha Bhawan, Rastrabhasha Parishad, Saidpur, Rajendra Nagar, Patna- 800004 (Bihar) through the State Project Director.
2. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rastrabhasha Parisar, Saidpur, Patna.
3. The District Programme Officer, Bihar Education Project, Jamui, Bihar.
4. The District Programme Officer, Bihar Education Project, West Champaran, Bihar.
5. The District Programme Officer, Bihar Education Project, Patna, Bihar.
6. The District Programme Officer, Bihar Education Project, Gaya, Bihar.



7. The administrative Officer, Bihar Education Project Council, Shiksha Bhawan, Rastrabhasa Parishad, Saidpur, Rajendra Nagar, Patna - 800004 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Adv.
For B.E.P.C. : Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 11-09-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners have filed the instant writ petition
for following reliefs:-

“a.) To issue an appropriate writ in the nature of certiorari quashing letter number E-322898/MGT/APO/290/2009-10/76928 dated 05.12.2024 whereby and (Annexure-P/14) whereby and whereunder petitioner's representation for gratuity has been denied by administrative officer, Bihar Education Project Council, on the ground that Bihar Education Project Service Regulation 2010 is in force.

b.) To issue an appropriate writ in the nature of mandamus commanding the respondents to grant the benefits of gratuity to the petitioners as per rule 44 of Bihar Education Project Service Regulation 1994



c.) Pass any other or further order as this Hon'ble Court may deem fit and proper in the interest of justice.

3. Learned counsel for the petitioners submits that petitioners are admittedly an employee of a Society registered under the Societies Registration Act, 1860. He further submits that all these petitioners have worked more than 10 years in the said organization and according to the provisions of Rule of Bihar Education Project Service Regulation, 1994, petitioners are entitled to gratuity as per the policy framed by the respondents.

4. It has next been submitted that petitioners have filed individual representation before the authority for consideration of his grievances with respect to payment of gratuity under the policy, which is said to have been framed by the respondents being Bihar Education Project Service Regulation Act amended from time to time, which in the case of the petitioners are wholly applicable, which is appended with the instant writ petition as Annexures-P/3 to P/11. Pursuant to the direction given by the Coordinate Bench, the authorities have complied the directions by granting relief of gratuity which was sought by the petitioners and accordingly prays that their



cases be also considered in the similar terms.

5. Learned counsel for the respondents has no objection with regard to the consideration as per the policy decision taken by the respondents in similar terms, in which the Coordinate Bench of this Hon'ble Court has given indulgence by directing the authorities to consider the representation in accordance with law. It has further been submitted by the learned counsel for the respondents that some of the petitioners have resigned, which is apparent from the representation filed by the petitioners.

6. If the entitlement of these petitioners are found to fall within the parameters framed under the policy, the same shall be considered in accordance with law.

7. Considering the aforesaid, the respondents are directed to consider the representation, which is said to have been submitted by the petitioners individually within a period of two months from the date of production of a copy of this order.

8. Be that as it may, the Judgment rendered by a Coordinate Bench of this Hon'ble Court in C.W.J.C. No. 5359 of 2022, vide order dated 06.01.2023 is covers the cases of such petitioners, who are said to have resigned.

9. It will be open for the petitioner to apprise the



respondents with supportive documents, if, it is requested for adjudication of the relief in question, from the petitioners. Needless to say that the petitioners will cooperate with them in the proceeding.

10. Accordingly, the instant writ petition is disposed of.

(Ajit Kumar, J)

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