

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10652 of 2023

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Braj Bhushan Mishra Son of Late Kaladhar Mishra, Resident of Village Arer
Dih P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through the District Magistrate, Madhubani.
2. The Director Provident Fund, Bihar, Patna.
3. The District Programme Officer (Establishment), Madhubani.
4. The District Provident Fund Officer, Madhubani.
5. The District Education Officer, Madhubani.
6. The Headmaster, Primary School, Noorchak, Kotiyani, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-06-2026

Learned Advocate for the respective parties are

present.

2. On the last occasion when the matter was taken

up on 03.01.2024, this Court took note of the following facts

and ordered as follows:-

*“2. In response to the grievance
of the petitioner, which is confined to the
provident fund for the period 01.01.1973 to
13.10.1976, counter affidavits have been filed
on behalf of respondent no. 3 as well as
respondent no 2 and 4.*

*3. A categorical assertion has
been made that the Director, Primary
Education, Bihar, Patna vide letter no. 152
dated 03.02.2023 issued direction to the*



District Education Officer/ District Programme Officer, Establishment, Samastipur/ Madhubani to submit detailed evidence with regard to deduction in provident fund and book of post office consequent thereupon the District Programme Officer directed the petitioner to submit evidence for deduction of GPF from the period 1971 to 1973 so that claim may be calculated and paid in accordance with law.

4. It is further submitted that previously the supporting documents were also demanded to the concerned teacher in the year 2016 through notice published in the daily newspaper, but the petitioner did not supply the same and the present writ petition has been filed after 20 years from his retirement.

5. It is next submitted that due to unavailability of supporting documents for deduction of GPF from period 1971 to 1973, the answering respondent is unable to direct the office of the provident fund to ensure the payment.”

3. Mr. Ratnakar Jha, learned Advocate for the petitioner submitted that in light of the order of this Court, a rejoinder to the counter affidavit has been filed and it is submitted that despite the fact that the respondents have admitted the deduction of GPF amount from the account of the petitioner for the period of November 1976 for Rs. 1751/-, the same has not been accorded to the petitioner. It is further submitted that the Provident Fund amount also comes under the definition of the Right to Property under Article 300(A) of the Constitution of India and, as such, any denial of the same



without there being any statutory rules and regulations is unsustainable. Moreover, identically situated person, namely, Digambar Jha, who has approached this Court in CWJC No. 1123 of 2015, he has been allowed the identical relief. But in case of the petitioner, discrimination has been caused and on account of the plea that the record is not available, the petitioner has been deprived from his remaining provident fund amount

4. On the other hand, learned Advocate for the State refuting the aforesaid contention has submitted that the petitioner was superannuated from the post of Assistant Teacher in Primary School, Noorchak, Kotiyani, Madhubani on 31.03.2004 and the present writ petition has been filed after a delay of nineteen years. A person who has been sleeping over his right cannot get any preferable order from this Court, while exercising the prerogative writ jurisdiction.

5. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the specific submission of the petitioner, this Court deems it apt and proper to dispose off the present writ petition with a direction to the District Programme Officer (Establishment), Madhubani to take all efforts and verify the records.

6. In case, the claim of the petitioner finds *bona*



fide and identical to that of Digambar Jha, the similar relief may be accorded to the petitioner, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	NA

