

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.410 of 2022

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Smt. Sudha Sinha Daughter of Late Nathuni Prasad Lal Resident of Mohalla-
Mishri Tola, P.S.- Sultanganj, P.O.- Mahendru, District- Patna and presently
Head Mistress, Taken Over Middle School, Sukulpur, Circle- Fatuha.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Director (Primary Education) Human Resource Development Department, Government of Bihar, New Secretariat, Patna.
3. Accountant General Bihar, Bir Chand Patel Path, Patna.
4. The Commissioner Provident Fund, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Respondent/s : Mr. Jitendra Kr. Roy 1, SC13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-07-2026

Heard learned Advocate for the respective parties.

2. The petitioner was duly appointed as an Assistant Teacher on 20.11.1992 and was granted Matric Trained scale; subsequently, the Graduate Trained scale and during her service tenure, she was appointed as In-charge Principal on 29.07.2011. Later on, she was extended regular promotion to the post of Principal Upgraded Middle School, Kutulupur with effect from 26.12.2013 vide Memo No. 12634 dated 26.12.2013. The petitioner, after rendering a long service, finally superannuated on 31.03.2020. Upon her superannuation, the necessary documents along with service book was sent to



the Office of Accountant General and subsequent thereupon, the P.P.O. order was issued vide Memo dated 20.07.2021 but to utter disregard of the last pay withdrawn, the pension and post retiral benefit of the petitioner has been wrongly fixed. Despite repeated request and persuasion when necessary rectification has not been made, the petitioner filed the present writ petition.

3. Mr. Akashdeep, learned Advocate for the petitioner submitted that this fact is not in dispute that the petitioner was promoted to the post of Principal and pursuant thereto, the pay scale of the petitioner has been enhanced and her last pay drawn at the time of retirement was Rs. 70,000/- as is evident from Annexure 3/1. Notwithstanding the aforesaid fact, the Director, Primary Education, Human Resources Development Department, has issued sanction order, based upon the last pay drawn @ Rs. 53,600/- in a most arbitrary manner and consequent thereto, the pension payment order has been issued by fixing pension on much lower amount. It is the specific case of the petitioner, based upon the statement of verification of pay under Education Department Resolution No. 3590 dated 24.05.2017, that her last pay drawn was Rs. 70,000/- on as on 01.07.2019 but this fact has been completely ignored while issuing sanction letter.



4. On the other hand, learned Advocate for the Accountant General submitted that on receipt of the copy of the writ petition, a request has been made to the respondent no. 2 vide Letter dated 16.02.2022 to look into the matter and if any action is required to be taken by the office of the answering respondent, then it has been requested to send the proper sanction along with service book and so for the necessary action may be taken.

5. Learned Advocate for the State Mr. Jitendra Kumar Roy submits that an update instruction is required to assist this Court.

6. Considering the submissions advanced on behalf of the respective parties and on perusal of the materials available on record, this Court *prima facie* finds substance in the claim of the petitioner to the extent it appears that last last pay drawn by the petitioner was Rs. 70,000/- as on 01.07.2019 but at the time of issuance of sanction order, the last pay drawn by the petitioner has been shown to be Rs. 53,600/- based upon which the pension payment order has been issued.

7. In such circumstances, this Court left with no option but to direct the respondent no. 2, the Director, Primary Education to consider the claim of the petitioner afresh for



revision of pension and other post retiral benefits based upon the last pay certificate as well as the service book of the petitioner and in case the claim of the petitioner finds favor, revised sanction order be issued preferably within a period of four weeks, from the date of receipt/production of a copy of this order.

8. Suffice it to observe that the Accountant General, Bihar, Patna shall also act upon the revised sanction letter and issue fresh PPO in favour of the petitioner, if any revision/rectification is made.

9. With the aforesaid direction, the present writ petition stands disposed off.

(Harish Kumar, J)

siddharth/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	08.07.2026
Transmission Date	

