
(2007) 04 PAT CK 0036
In the Patna High Court
Case No : CWJC No. 10383 of 2005

Resham Lal Yadav

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 09-04-2007

Acts Referred:

Citation : (2007) 3 PLJR 497

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Judgement

V.N. Sinha, J.—Heard Learned Counsel for the parties. It appears, in compliance of the order of this Court dated 28.2.2007, State counsel has not been able to seek instruction and file counter affidavit, In the circumstances, this case is being disposed of without the benefit of the counter affidavit.

2. it appears from the office order dated 10.6.1997, Annexure-2 issued by the Director, Secondary Education, Bihar that the services of the petitioner as an Assistant Teacher was taken over with effect from 14.3.1983, the date of take over of the school. It further appears from the impugned instructions contained in letter dated 20.7.2005, Annexure-3 issued by the District Education Officer, Madhepura that the petitioner superannuated with effect from 30.6.2002 and as his services were taken over under order dated 10.6.1997, Annexure-2, the District Education Officer, has concluded that he did not complete 10 years of service prior to the date of superannuation but whole concluding so, the District Education Officer failed to appreciate that the services of the petitioner was taken over under order dated 10.6.1997, Annexure-2 with effect from 14.3.1983, as such, there is no difficulty in concluding that petitioner completed much beyond 10 years of actual service.

3. In the circumstances, instruction of the District Education Officer contained in order dated 20.7.2005, Annexure-3 is quashed with direction to the District Education Officer, Madhepura, Respondent No. 4 to take into account the services rendered by the petitioner between 14.3.1983 till 30.6.2002 and thereafter to

calculate his pension and pay his entire retrial dues within a period of three months form the date of receipt/production of a copy of this order. This application is, accordingly, disposed of.