

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21857 of 2011

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1. Most. Devanti Devi, widow of deceased sole petitioner
 2. Rahul Kumar, son of the deceased sole petitioner, Late Rana Pratap Singh S/O Late Ram Pravesh Singh Resident Of Village Nasrina, P.S. Kurtha, District Jehanabad.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, New Secretariat Vikash Bhawan, Patna.
2. The Director, Primary Education, Human Resources Development Department, Government Of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. District Education Officer, Gaya.
4. Block Education Extension Officer, Dumaria, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SHIVENDRA KISHORE
For the Respondent/s : Mr. S.RAZA AHMAD AAG9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 28-08-2015

28.08.2015

Heard learned counsel for the parties.

The Court is indulgent towards the petitioners only because of the fact that the erstwhile employee, who happened to be an Assistant Teacher, is dead and gone and not much purpose would be served by reopening the issue and taking it beyond a point. Least it may have consequences for the family and their other entitlements.

However, the facts being so glaring that the erstwhile petitioner disappeared from his place of posting after April, 1987 and turned up only on

23.02.2008, seeking liberty of the respondents to accept his joining. Obviously, such a prolonged absence without any sanction, information or approval came in the way of such an employee being permitted to join thereafter. Unfortunately while the present proceeding and deliberations were still on, he died. In the above facts, the Court would not get inclined to give any direction for payment of salary to the petitioners that too on a wishy-washy and a highly suspect kind of prescription annexed as Annexure-2. Therefore, payment of salary, which has been prayed for, is required to be rejected, especially when no proceeding can be initiated or maintained against a dead person.

The Court, however, would only opine that the respondents may consider the other claims of the family in accordance with law, preferably within a period of six months on an application being filed by the petitioner with a copy of this Order.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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