

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7201 of 2016

=====

Smt. Nirmala Devi Wife of Late Bishnu Chand Prasad Resident of Village :
Arjunpur, Niyazipur, P.O. Rajpur, P.S. Simari, District : Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Bihar, Patna.
2. The Deputy Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Madhubani.
4. The District Programme Officer (Establishment), Madhubani.
5. The District Provident Fund Officer, Madhubani.
6. The Accountant General (A & E), Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Adv.

For the Respondent Nos. 1 to 5 : Mr. Nirbhay Prashant, AC to SC-17

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-09-2016 Heard the parties.

The petitioner claiming to be the widow of deceased employee, who died in harness on 16.2.2015, has filed the present writ petition for a direction to the respondent authorities to make payment of death-cum-retiral dues of her deceased husband.

Though, the present writ petition was filed on 21.4.2016 and two copies of the writ petition were served upon the learned Advocate General, Bihar, Patna, but till date the respondents have not filed their counter-affidavit.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition, fully enumerated in paragraph-1 of the writ petition, this Court is of the opinion that instead of keeping the matter pending asking the respondents to file their counter-affidavit, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent No.3- the

District Education Officer, Madhubani with all supporting documents raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent No.3 either himself or any other competent authority of the respondent State, as per his endorsement, shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner, at an early date preferably within a period of two months from the date of filing of such representation by the petitioner.

If on consideration of the materials the competent authority comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and this is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--