

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12493 of 2011

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1. Sanjay Prasad

2. Divyank Raj

Both sons of Late Parvati Gupta And Late Arjun Prasad, Resident of
Village- Aliganj, P.S.- Sikandra, District - Jamui

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of
Human Resources, Govt. Of Bihar, Patna

2. The Director Primary Education, Bihar, Patna

3. The Regional Deputy Director Of Education (R.D.D.E.) Munger
Division, Distt.- Munger

4. The District Magistrate Jamui

5. The District Superintendent Of Education-Cum-Sub-Divisional
Education Officer Jamui

6. The Block Education Extension Officer Khaira Block, Distt.- Jamui

7. The Treasury Officer Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 28-03-2016 Heard Sri Dhananjay Kumar, learned counsel for the

petitioners and learned AC to AAG 4.

According to the writ petition petitioners are legal heirs
of an employee i.e. their mother, who retired with effect from
30.6.2008 and died on 26.1.2009. They, by way of filing present
writ petition in the month of August, 2011, have prayed for
directing the respondents to pay salary of the their mother due
from the month of December 2004 till the date of her retirement
i.e. 30.6.2008.

Normally such petition was not required to be entertained in view of the fact that mother /the employee survived up to the year 2009 and about more than two years from death the present petition was filed. However, in the counter affidavit a stand has been taken in paragraph no. 15 that for the arrear salary for the working period direction has already been issued and same will be paid subject to furnishing of death certificate, succession certificate and genealogical table issued by the competent authority.

In view of the stand taken in paragraph no. 15 of the counter affidavit, the writ petition is disposed of with expectation that the respondents may do the needful in view of the statement made in the counter affidavit.

(Rakesh Kumar, J)

Praful/-

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