

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3315 of 2016

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Shobha Devi @ Srimati Shobha Devi wife of Janardan Pandey resident of village - Bediban Madhuban, P.O. Bediban Madhuban, via - Damodarpur, P.S. - Pipra, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary-cum-Commissioner, Primary Education, Bihar, Patna.
3. The Secretary, Education (Primary) Department, Bihar, Patna.
4. The District Magistrate, East Champaran.
5. The District Programme Officer (Establishment), East Champaran at Motihari.
6. The District Education Officer, East Champaran at Motihari.
7. The Block Education Extension Officer Anchal Areraj, East Champaran, Motihari.
8. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the State-Respondent/s : Mr. Mritunjay Kumar, Adv.
For the Accountant General : Mr. Jitendra Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 06-10-2017 Heard learned counsel for the petitioner and the State.

From the petition, it appears that there is serious doubt about authenticity of the claim of the petitioner. The petitioner has stated in para-8 of the petition that wife of Ram Narain Pandey namely, Most Ram Kali Kuer died, there were no legal heirs and representatives of Most. Ram Kali Kuer, this petitioner was serving and taking care of Most Ram Kali Kuer and as such she claims that she is entitled for payment of post-retiral dues of late Ram Narain Pandey.



Counsel for the petitioner placed reliance on Annexure-4 to suggest that she has been declared heirs of Ram Kali Kuer and also declared entitled to post-retiral dues of late Ram Narain Pandey.

From the counter affidavit, it appears that respondents after enquiry have disputed the claim that Ram Narain Pandey was ever appointed and posted as Assistant Teacher or ever suspended from service and they have doubted the correctness of the certificate adduced by the petitioner in connection with post-retiral dues/death-cum-retiral claim of late Ram Narain Pandey.

In reply to the counter affidavit, statements have been made that respondents have not looked into the claim of the petitioner objectively and till date they have not decided whether the Ram Narain Pandey was employee and worked as Assistant Teacher or not and whether the petitioner on the strength of Annexure-4 is entitled for payment of post-retiral dues/death-cum-retiral dues of late Ram Narain Pandey or not.

After considering the rival contention of the parties, the writ petition is disposed of with a direction to respondent no.5, District Programme Officer (Establishment), East Champaran at Motihari to take final decision on the claim of the petitioner and if



the petitioner is found entitled to post-retiral dues/death-cum-retiral dues, the same shall be paid within a reasonable time preferably within a period of six months. In case, it is found that the claim of the petitioner is based on forged and fabricated documents, the respondents are obliged to take steps for criminal prosecution against the petitioner for making false claim and placing reliance on the fabricated document.

With the aforesaid observation, the application stands disposed of.

(Anil Kumar Upadhyay, J)

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