

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5964 of 2017

Most. Vina Devi, Wife of Late Basudeo Prasad, resident of Village-
Harinagar Kharjamma, P.S. Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar.
2. The Principal Secretary, Secondary Education Govt. of Bihar.
3. The Director, Secondary Education, Govt. of Bihar, New Secretariat Patna.
4. The Regional Director, Secondary Education, Govt. of Bihar, New Secretariat, Patna.
5. The District Superintendent of Education, Nalanda at Bihar Sharif.
6. The District Education Officer, Nalanda at Bihar Sharif.
7. The District Programme Officer (Establishment), Nalanda at Bihar Sharif.
8. The Principal/In-charge Principal, Shree Gandhi + 2 High School Shilaw, Nalanda, P.S.- Nalanda, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar, Advocate
		Mr. Kahkashan Alam, Advocate
For the Respondent/s	:	Mr. Prabhat Ranjan Singh, AC to AAG15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Counsel for the petitioner submits that the respondents
have erroneously superannuated the husband of the petitioner
although he was entitled to continue up to 2019 and in the
meanwhile the husband of the petitioner died.

Counsel for the petitioner submits that in fact, the husband



of the petitioner was entitled to continue upto 31.1.2019 and as such on the date of death he was supposed to be in service and as such the dependent of the deceased is entitled to be considered for compassionate appointment treating the husband of the petitioner died in harness.

Without entering into the controversy whether the husband of the petitioner was entitled to continue upto 31.1.2019 or his retirement by the respondent on 29.2.2016, the writ petition is disposed of with a direction to the petitioner to file representation before the Director, Secondary Education, Bihar Patna within a period of one month from today along with a copy of this order. The Director, respondent No. 3 shall examine the claim of the petitioner and if it is found that the husband of the petitioner was entitled to continue upto 31st of January, 2019 then in that situation, the respondent Director will consider the case of the deponent of the bread winner in the light of the policy decision of the State Government for consideration and grant of compassionate appointment of the deponent of the employee died in harness.

It is made clear that this Court has not expressed any opinion on the merit of the case. The Director, Secondary Education will examine the claim of the petitioner in accordance



with law after perusal of the relevant record within three months
from the date of filing of the representation along with a copy of
this order.

(Anil Kumar Upadhyay, J)

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