

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1314 of 2017

In
Civil Writ Jurisdiction Case No.17348 of 2016

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1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Human Resource Department, Government of Bihar, Patna.
 3. The District Magistrate, Patna.
 4. The District Education Officer, Patna.
 5. The District Programme Officer (Establishment), Patna.
 6. The Provident Fund Officer, Patna.
 7. The Treasury Officer, Mokama, District – Patna.

... .. Appellant/s

Versus

1. Rashda Khatoon Wife of Late Ekbal Ahmad Resident of Mohalla - Meer Mohalla, Ward No. 18, Barh, District - Patna.
2. The Accountant General, Bihar, Patna.
3. The Head Master-cum-Drawing & Disbursing Officer, Middle School, Gosai Village - Ghoswari, District – Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Samir Kumar, A.C. to S.C. 16
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-10-2018



1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the learned Single Judge dated 10.03.2017, passed in C.W.J.C. No. 17348 of 2016, by which the learned Single Judge has allowed the said writ petition, the State has preferred the present Letters Patent Appeal under Clause X of the Letters Patent.

2. At the outset, it is required to be noted that now the appellant State of Bihar challenges the impugned judgment and order passed by the learned Single Judge insofar as imposing the cost of Rs. 25,000/- while allowing the petition.

3. Having heard learned A.C. to S.C. 16, appearing on behalf of appellant, and considering the facts and circumstances of the case, more particularly when the original writ petitioner-widow of the teacher, was denied the pension for a number of years, that too without following the procedure as required under Rule 43(B) of the Bihar Pension Rules and thereafter when the action of the State in withholding the pension was found to be illegal and arbitrary and thereafter when the petition is allowed with cost of Rs. 25,000/-, it cannot be said that the learned Single Judge has committed any error.

4. In the facts and circumstances of the case, we refuse



to entertain the present appeal, insofar as awarding cost of Rs. 25,000/- while allowing the petition is concerned.

5. Hence, the present appeal is dismissed.
6. I.A. No. 6914 of 2017 stands disposed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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