

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15521 of 2012

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Smt. Rukmani Devi, wife of late Jitendra Prasad, Resident of Village- Koirapatti,
P.O + P.S- Thakaraha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Collector-Cum- District Magistrate, West Champaran, Bettiah.
4. The District Education Officer, West Champaran, Bettiah.
5. The District Programme Officer (Sarve Shiksha Abhiyan), West Champaran, Bettiah.
6. The Block Education Officer, Thakaraha Block, Thakaraha, West Champaran.
7. The Director- Cum- Head Master, Kasturba Gandhi Balika Vidyalaya, Thakaraha, West Champaran.
8. The Secretary, Vidyalaya Shiksha Samitee, Kasturba Gandhi Balika Vidyalaya Thakaraha, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Respondent/s : Mr. R. Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the petitioner and State.

2. The original petitioner, namely, Jitendra Prasad, died during the Pendency of the writ application and on behalf of the petitioner I.A. No. 4257 of 2013 has been filed for substitution of the legal heirs of the original petitioner.

3. In view of the averments made in the interlocutory application (I.A. No. 4257 of 2013), the application for substitution is allowed.

4. The name of original petitioner be expunged and in



his place Smt. Rukmani Devi (wife of the petitioner), be substituted.

5. The grievance of the original petitioner is non-payment of honorarium for the period, he has worked as chief cook (Mukhy Rasoiya) in Kasturba Gandhi Balik Vidyalaya Thakaraha, West Champaran. The claim pertains to the period October, 2001 till the death of original petitioner i.e. 26.03.2013.

6. Since the issue relates to monetary benefit, the right survives to the successor of the original petitioner.

7. Considering the nature of relief as claimed by the original petitioner, the writ application is disposed of with a direction to respondent no.5 to examine the record and if it is found that the original petitioner has actually worked and has not paid the salary/honorarium, he may take appropriate steps for payment of salary/honorarium for the aforesaid and ensure payment of the same to the petitioner within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2018
Transmission Date	

