

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5704 of 2018

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Maheshwari Devi wife of Ram Swaroop Yadav Resident of Village Karanja,
P.O. Jakhaim, P.S. Muffasil, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department,
Government of Bihar, Patna.
2. The Regional Deputy Director of Education, Magadh Division, Gaya.
3. The District Magistrate, Nawada.
4. The District Education Officer, Nawada.
5. The District Programme Officer (Establishment), Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Singh, Advocate Mr. Prakash Kumar, Advocate
For the Respondent/s	:	Mr. Pramod Kumar Singh, AC to SC-16

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 30-11-2018

Heard learned counsel for the petitioner and
learned counsel appearing for the State.

2. Petitioner is the wife of an Assistant Teacher,
who became traceless since 19.06.1999 while working in
the Paharia High School in the district of Nawada. An F.I.R.
being Nawada Sadar P.S. Case No. 423/2016 was preferred
by the petitioner. The police has submitted final form,
which is Annexure-8/1 to the writ application vide order
dated 21.08.2017.

3. Earlier the petitioner had moved this Court for
payment of retiral benefits in CWJC No. 1408 of 2015,
which was disposed of with liberty to the petitioner to seek



redressal of her grievance after conclusion of police investigation and final report.

4. It has been submitted by the learned counsel for the petitioner that after submission of final form the petitioner has represented before the respondent District Education Officer, Nawada and the District Magistrate, Nawada vide Annexures-P-10 and P-11 but up till now the retiral dues of the petitioner's husband late Ram Swaroop Yadav has not been granted. He submits that in view of the decision rendered in the case of Renuka Rai vs. State of Bihar and others since reported in 2002(2) PLJR 46 if an employee is traceless for more than seven years, as per the Government circular dated 24.02.1990 the retiral dues of the husband including pension is legally payable.

5. Considering the aforesaid fact, this writ application is disposed of with liberty to the petitioner to move the authorities concerned, especially respondent nos. 3 and 4, the District Magistrate, Nawada and the District Education Officer, Nawada by filing fresh representation along with relevant documents within a fortnight and the same will be considered by the authorities concerned by passing a speaking order within a period of three months



from the date of receipt of the representation by the
authorities concerned.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2018
Transmission Date	NA

