

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9467 of 2017

Most. Mithilesh Devi, W/o Late Bindeshwari Singh, Resident of Village-
Basantpatti, P.S.- Purnaiha, District- Sheohar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Sitamarhi.
5. The District Magistrate, Sheohar.
6. The District Education Officer, Sitamarhi.
7. The District Education Officer, Sheohar.
8. The Block Education officer, Sheohar.
9. The Headmaster, Middle School, Singhorwa, Riga, Sheohar.
10. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Sinha, Advocate
For the Accountant General Advocate	:	Mr. Vivekanand Kumar, Advocate
For the Respondent/s	:	Rajeev Ranjan, AC to GP 20

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 15-05-2019

Heard learned counsel for the petitioner, learned AC to GP 20 for the State of Bihar and learned counsel for the Accountant General.

It is submitted on behalf of the petitioner that the husband of the petitioner who was working as Assistant Teacher in Primary School, Singhorwa, under Sheohar Block in the District Sheohar, died some time in the year 2014. In spite of filing various representations, the petitioner who is widow, has still not been paid dues under the head of death-cum-retiral gratuity, family



pension, GPF, leave encashment, group insurance as also the arrears of salary from the period 12.05.1998 to 01.07.2003.

Counter affidavits have been filed on behalf of the District Education Officer, Sheohar, the Accountant General, Bihar as also the District Education Officer, Sitamarhi. Paragraph nos. 11, 12 and 13 of the counter affidavit of the District Education Officer, Sitamarhi is being quoted herein below for easy reference :

“11. That in responds to aforesaid order, the Block Education Officer, Riga submitted the relevant documents before the District Programme Officer, Establishment, Sitamarhi for needful action.”

“12. That the original service Book of the husband of the petitioner is not available in the officer of Block Education Officer, Riga therefore, the District Programmee Officer, Establishment Sitamarhi vide Letter No. 3149 dated 06.12.2018 directed the Block Education Officer, Riga to open duplicate (second) copy of service Book of the husband of the petitioner and thereafter submit the relevant papers with regard to payment of retiral dues of husband of the petitioner.”

“13. That in view of the facts and circumstances stated above, the four months' time may be granted for completing the entire formalities so that decision shall be taken with respect to payment of retiral dues.”

Having heard the counsel for the parties and in view of the facts stated herein above, this writ application is disposed of



with a direction to the respondent no. 6 to take effective steps for expeditious construction of duplicate service book of the husband of the petitioner which should be done within a period of three months from today. Petitioner is directed to file a representation before the respondent no. 6 within a period of six months from today. The respondent no. 6 is directed to pay the admitted dues to the petitioner within a period of four months from the date of filing of the representation. In case the amount under any head is not found payable, the same shall be communicated to the petitioner by a reasoned order.

It goes without saying that along with the arrears found payable, the respondent authorities shall also pay statutory interest wherever applicable.

Writ application stands disposed of.

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

