

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14320 of 2018

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Shahar Bano, W/o Late Mahboob Alam, resident of Village- Dandama, P.S.
Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Primary Education, Education Department, Government of
Bihar, Patna.
3. The District Superintendent of Education, Katihar.
4. The Accountant General, Bihar, Patna.
5. The Asst. General Manager, State Bank of India, Centralized Pension
Processing Centre, 4th Floor, Administrative Office, Judges Court Road,
Patna
6. The Branch Manager, State Bank of India, Salmari, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Imtiyaz Hussain, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-09-2019 Heard learned counsel for the petitioner and the
respondents.

The petitioner is aggrieved by the decision of the
respondents directing recovery from the post retiral benefits of
the husband of the petitioner, who died on 11.09.2008.

The husband of the petitioner retired on 30.11.2007
and after retirement on 30.11.2007 he died on 11.09.2008.

The respondents are not justified in recovering the
amount, as the law in this regard is well settled in the case of



State Of Punjab & Ors vs Rafiq Masih (White Washer)
reported in (2014) 4 SCC 334.

Accordingly, the writ application is allowed. The respondents are restrained from making any recovery from the the post retiral dues of the husband of the petitioner. If any recovery has been made, the respondents are directed to refund the same forthwith.

(Anil Kumar Upadhyay, J)

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