

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19403 of 2019

Nurun Nisha, Wife of Md. Quasim, Resident of Village- Bhagwanpur, Ghancha, P.O.- Chaumukh, P.S.- Bochaha, District- Muzaffarpur- 843103, at present Mohalla- Chandwara Azad Road, Near Church, Ward No. 43, Muzaffarpur Town, District- Muzaffarpur. ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The District Magistrate Muzaffarpur.
3. The District Education Officer Muzaffarpur.
4. The Block Education Officer Katra, Muzaffarpur.
5. The Head Master Middle School, Khanpur (Urdu), Panchayat Berai, Block- Katra, P.S.- Hathauri, District- Muzaffarpur.
6. Nazia Shahin, Wife of Late Md. Iqbal Quasim, Daughter of Md. Raisuddin Resident of Village- Tazpur, P.S.- Tajpur, District- Samastipur, at present Mohalla- Dharampur, New Colony, Ward No. 03, P.O. and P.S.- Samastipur, District- Samastipur. ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad
For the Respondent/s : Mr.Jitendra Kumar Roy1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-09-2019 Heard learned counsel for the petitioner and the respondents.

From the pleadings of this case, it appears that fraud was practiced in the matter of obtaining death-cum-post retiral benefits and obtaining compassionate appointment.

The petitioner, who claims to be the mother of the deceased, has filed the present writ application alleging misrepresentation and fraud.

The kind of allegation levelled in the present writ application is well within the domain of the respondents to ascertain whether any kind of fraud and misrepresentation was



committed in the matter of obtaining death-cum-post retiral benefits and compassionate appointment and whether the case involved any criminal action.

Accordingly, the writ application is disposed of with a direction to the District Magistrate, Muzaffarpur to enquire into the allegation levelled in the present application and after enquiry the District Magistrate, Muzaffarpur shall pass appropriate order after opportunity of hearing to respondent no.6. The District Magistrate, Muzaffarpur shall not only take corrective measures with regard to grant of death-cum-post retiral benefits as well as compassionate appointment, but at the same time he shall also see that appropriate criminal action is taken against those who were involved in the matter.

Necessary decision in this regard may be taken by the District Magistrate, Muzaffarpur at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order after opportunity of hearing to respondent no.6.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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