

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25 of 2019

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Veena Kumari wife of Late Akhilesh Kumar Prasad, resident of Mohalla Indrapuri, Sipara, P.S. Beur, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Health, Govt. of Bihar Patna
2. The Under Secretary, Department of Health, Government of Bihar, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Patna.
4. Incharge Medical Officer, Primary Health Centre, Punpun, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar
For the Respondent/s : Mr. Aditya Nath Jha, AC to -Sc18

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-06-2019 The claim in the writ petition is for grant of benefits under the assured career progression scheme to the husband of the petitioner who after serving the State as Medical Officer from 16.3.1988 passed away on 7.5.2017 in harness. The petitioner, wife of the deceased, submits that during entire service period her husband did not get any benefit under the assured career progression.

Counsel for the State syubmits that other than the averments made in the writ petiton there is nothing on record to show that the petitioner has ever raised her claim before any authority. There is no demand before the authorities and refusal to act and therefore resort to the instant proceeding is



misconceived.

Since there is no demand and refusal there is no occasion for this Court to presume that if the issue would be raised by the petitioner before the authorities then the same would not be considered by the authorities.

The writ petition is accordingly disposed of with liberty to the petitioner to approach the competent authority.

(Madhuresh Prasad, J)

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