

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4985 of 2021

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KUMARI SARASWATI Wife of HARI PRAKASH MISHRA Resident of
Quarter no. 2031, Sector-12A, Bokaro Steel City, P.s.- Sector 12A, District-
Bokaro, Jharkhand, at present working as Block Programme Officer,
Aurangabad, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development
Department, Government of Bihar, Patna
2. The Principal Secretary, Rural Development Department, Government of
Bihar, Patna
3. The Secretary, Rural Development Department, Government of Bihar, Patna
4. The Joint Secretary, Rural Development Department, Government of Bihar,
Patna
5. The Commissioner, Magadh Division, Gaya, District- gaya
6. The District Magistrate, Gaya, District- Gaya
7. The District Magistrate, Jamui, District- Jamui
8. The District Magistrate, Aurangabad, District- Aurangabad
9. The Deputy Development Commissioner, Gaya, District- Gaya
10. The District Rural Development Authority, Gaya, District- Gaya
11. The Block Development Officer, Fatehpur, District- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-04-2021 The present writ petition has been filed seeking the
following reliefs:-

*“(i) For issuance of a writ in the nature of certiorari or
any other writ/order/direction to the respondents to set
aside/quash the part of the order dated 19.05.2020
passed in appeal application of petitioner by the
Principal Secretary, Rural Development Department,*



Government of Bihar (Respondent No. 2), whereby and whereunder the respondent has accepted/allowed the appeal of the petitioner and ordered to the D.M. Jamui to re-engage/re-appoint the petitioner and has further ordered that the salary of termination period would not be provided/given to the petitioner and the petitioner is aggrieved by the second part of the order by which it has been ordered that the salary of termination period would not be provided/given to the petitioner.

(ii) Further, for issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction directing the respondents to grant all consequential benefits with reinstatement of the petitioner on her respective post on Block Programme Officer, including the arrears of salary for removal period i.e. from 16.01.2019 to 20.05.2020 in the light of the order/judgment dated 31.10.2012 passed in CWJC No. 11440 of 2007, reported in 2013(1) PLJR 779, as well as several other orders/judgments passed by this Hon'ble Court as well as Hon'ble Apex Court."

At the outset, the learned counsel for the petitioner submits that the petitioner would be approaching the District Magistrate, Gaya for redressal of her aforesaid grievances, hence, the learned District Magistrate, Gaya be directed to consider the case of the petitioner for payment of arrears of honourarium for the period she was out of service, in light of the judgment rendered by a coordinate Bench of this Court



dated 31.10.2012 passed in CWJC No. 11440 of 2007
(Manoranjan Prasad Sinha vs. The State of Bihar & Ors.), which
is annexed as Annexure-23 to the present petition.

Accordingly, the present petition stands disposed off
with liberty to the petitioner to file appropriate representation
before the District Magistrate, Gaya, within a period of eight
weeks from today, whereupon the learned District Magistrate,
Gaya shall consider the grievances of the petitioner and pass
appropriate orders, in accordance with law as also keeping in
view the law laid down by this Court in the case of Manoranjan
Prasad Sinha, within a period of twelve weeks, thereafter.

(Mohit Kumar Shah, J)

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