

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22938 of 2019

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Durgawati Devi, aged about 60 years, Female, W/o Late Sidheshwar Pandey,
R/o Mohalla Baba Nagar, Jaso P.S. Buxar Muffassil, District Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Secretary, Higher Education, Human Resource Development Department, Govt. of Bihar, Patna.
3. Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga through its Registrar
4. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga.
5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga.
6. The Principal, Shiv Prasad Degree Sanskrit College, Rampur, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. K. Choudhary, Advocate
		Mr. Manoj Kumar Manoj, Advocate
For the State	:	Mr. Sanjay Kumar, A.C. to G.P.23
		Mr. Rajesh Kumar Sinha, A.C. to G.P.23
For the University	:	Mr. Gyanendra Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 03-03-2021 Heard learned counsel for the petitioner, the learned

A.C. to G.P.23 and the learned counsel appearing on behalf of

Kameshwar Singh Darbhanga Sanskrit University.

The petitioner by filing this writ petition seeks direction

to the respondents to pay the arrears of pension from the month of

November, 2018 and onwards and the current family pension to

the petitioner.

Admittedly the husband of the petitioner was duly



appointed as Lecturer vide Letter No.17, dated 04.12.1978. The husband of the petitioner joined on the post on 22.12.1978. The service of the husband of the petitioner was regularized on 15.06.2013 w.e.f. 31.01.1989. The husband of the petitioner died during his service period and family pension vide P.P.O. No.521/16, dated 04.06.2016 was issued. The petitioner was getting her family pension, but all of a sudden in the month of November, 2018, the family pension of the petitioner was stopped.

Learned counsel for the petitioner submits that Manidhar Mishra filed CWJC No.10892 of 2019 and in pursuance of the order dated 14.11.2019, passed in CWJC No.10892 of 2019, the Director, Higher Education directed the Vice-Chancellor to resume the pension and only thereafter CWJC No.10892 of 2019 was disposed of. Pension of Manidhar Mishra was resumed. It is further submitted that the pension of similarly situated teachers who retired from their service, such as, Shashi Nandan Jha was also stopped and his pension was resumed vide Letter No.15/C2-377/2019-2618. Learned counsel for the petitioner submits that the case of the husband of the petitioner is similar to that of Shashi Nandan Jha and Manidhar Mishra and, therefore, the pension of the petitioner be also resumed forthwith and a direction be issued to pay the arrears as well. In the light of the aforesaid order, CWJC No.4666 of 2019 (Dr. Amrit Nath Jha vs. The State of Bihar &



Ors.) was also disposed of in terms of the order passed in the writ petition filed by Manidhar Mishra and others. The case of the petitioner be also disposed of in the aforesaid terms.

Learned counsel for the State did not dispute these facts. However, it is submitted that the husband of the petitioner and many other persons were illegally regularized on their posts by the University and, therefore, the State after their retirement stopped payment of pension.

Mr. Gyanendra Roy, the learned counsel for the University submits that if the State releases the fund, the University has got no difficulty in making payment of pension to the petitioner.

Having considered the submissions of both sides and on perusal of the records, it appears that the husband of the petitioner was duly appointed and during the service period he died. After death of husband of the petitioner, the family pension was sanctioned to the petitioner and she was getting family pension, but the State stopped payment of family pension to the petitioner on the ground that her husband was not legally regularized in service. The family pension of the petitioner was stopped without issuing any notice and hearing her. The State awoke after retirement of teachers and even after duly having been sanctioned the pension in accordance with law, therefore, I direct the State-



respondent to resume the pension of the petitioner forthwith and pay the arrears till the order is passed in accordance with law after hearing the petitioner on the point of illegal regularization of service of the husband of the petitioner.

With the aforesaid observation, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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