

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8132 of 2021**

Amrita Jha Wife of Late Dr. Sunil Kumar Jha Resident of ward no. 4, Bairiya Road, Khiriya Ghat, near Dr. Sanjay Kumar Ghosh, Bettiah, P.s.- Bettiah, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Joint Secretary, Department of Health, Government of Bihar, Patna
4. The Deputy Secretary, Department of Health, Government of Bihar, Patna
5. The Incharge Officer, Personnel Grievance Redressal Cell, Department of Finance, Government of Bihar, Patna
6. The Superintendent Maharani Janki Kuer Hospital, now re-designated as Government Medical College and Hospital, Bettiah, West Champaran
7. The District Provident Fund Officer, West Champaran, Bettiah
8. The Accountant General, Bihar, Patna

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Bibhakar Tiwary  
For the Respondent/s : Mr. S.D. Yadav (AAG-9)

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 14-02-2022**

The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

In the instant petition, petitioner has prayed for the following relief/reliefs:

*(1) To issue an appropriate*



*writ preferably in the nature of mandamus commanding upon the respondent authorities to pay to the petitioner the arrears of salary accrued in favour of her Late husband Dr. Sunil Kumar Jha after grant of benefits of dynamic ACP to him.*

*(II) To issue an appropriate writ preferably in the nature of mandamus commanding upon the respondent authorities to pay to the petitioner arrears of salary for the period 26.07.1992 to 20.10.1994 and 21.10.1994 to 22.05.1995 which has been regularized by the respondent authorities as extra ordinary leave to her Late husband Dr. Sunil Kumar Jha.*

*(III) To issue an appropriate direction commanding upon the respondent authorities to pay suitable interest to the petitioner on the*



*delayed payment made to her and,*

*(IV) To grant any other relief(s) for which the petitioner may be found entitled to in the facts of the present case.*

Petitioner being legal heir of the deceased employee has approached this Court without approaching the concerned respondents in seeking relief in respect of salary and dynamic ACP. In the absence of representation, the present petition cannot be maintained in the light of Apex Court decision in the case of ***Mani Subrat Jain Vs. State of Haryana reported in 1977 (1) SCC 486.***

Accordingly, writ petition stands dismissed, reserving liberty to the petitioner to prefer a detailed representation. If such representation is submitted by the legal heirs of the deceased employee, the competent authority is hereby directed to examine and extend benefits in accordance with law alongwith interest at the rate of 8% per annum in the light of Apex Court decision in the case of ***Vijay L. Mehrotra Vs. State of Uttar Pradesh and others reported in 2001 (9) SCC 687.*** If the petitioner is not entitled, in that event, a necessary speaking order should be passed and communicated to him.



The above exercise shall be completed within a period of three months from the date of receipt of the petitioner’s representation to be submitted.

**(P. B. Bajanthri, J)**

Ankit/-

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| AFR/NAFR          | NAFR       |
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