

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3165 of 2021

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Neelam Chaudhary Wife of Late Hari Narayan Chaudhary Resident of
Village- Mahathi Chandauli, P.O.- Chandauli, P.S.- Belsand, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director Higher Education Education Department, Government of Bihar, Patna.
4. The Vice Chancellor B.R.A. Bihar University, Muzaffarpur.
5. The Registrar B.R.A. Bihar University, Muzaffarpur.
6. The Finance Officer B.R.A. Bihar University, Muzaffarpur.
7. The Principal Jagannath Singh College, Chandauli, P.s.- Belsand, District- Sitamarhi.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 18-04-2022 The case is being taken up from defect side.

Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove the defects pointed out by the Registry within two weeks from today.

Learned counsel for the petitioner submits that the petitioner's husband's claim has not been yet accepted and benefit of pay scale of Rs.5500-9000/- as recognized by the Supreme Court, was not granted to her husband, who expired.



For the arrears of the salary, after fixation pay scale of Rs. 5500-9000/- she has approached this Court.

With regard to grant of pay scale of Rs. 5500-9000/- and other benefits, it appears that the Supreme Court heard Contempt petition and in the contempt petition, the Apex Court passed the following order:-

“After the entire amount has been distributed to the concerned employees, if any employee is aggrieved on account of deficiency in payment, or no payment at all, it shall be open to such employee to move the head of his institution, where he is or has rendered service, highlighting his grievance. The head of the concerned institution shall thereupon pass a speaking order, accepting or rejecting the grievance of the concerned employees. In case, the claim of the concerned employee is rejected, it shall be open to that employee to raise a challenge to the order passed by the head of the institution, before the jurisdictional High Court.”

Admittedly, the petitioner has not approached the head of the institution in terms of the aforesaid order passed by the Supreme Court.

Leaving it open to the petitioner to approach the head of the institution, it is expected that the head of the institution



shall examine the case of her late husband and pass speaking order as directed by the Supreme Court within stipulated period. If the petitioner is still aggrieved, she would be free to approach this Court again.

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

(Sanjeev Prakash Sharma, J)

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