

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.405 of 2022

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Munna Kumar Ranjan S/o Baidyanath Prasad R/o ward no.- 5, Kudarkat, P.S.-
Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

1. Nibha Kumari W/o Ashok Kumar R/o Village- Koraiya, P.S.- Mahuawa,
District- East Champaran.
2. The State of Bihar, through the Principa Secretary Human Resources
Development Department, Bihar (now Education Department, Bihar).
3. The Collector East Champaran at Motihari.
4. The District Education Officer East Champaran at Motihari.
5. The Block Education Officer-cum-Secretary Block Selection Committee,
Chhauradano Block, East Champaran.
6. The Member, District Teachers Employment Appellate Authority East
Champaran, Motihari.
7. Kiran Kumari D/o Deo Nandan Sharma Teacher in Government Utkramit
Middle School Bela, R/o Village- Bela, P.S.- Chhauradano, District- East
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi
For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2022 Heard learned Counsel for the parties concerned.

The petitioner is aggrieved by the order, dated
23.03.2022, passed, in Title Suit No. 263 of 2017, by learned
Sub Judge-X, East Champaran, at Motihari, whereby the
petition filed by the petitioner for substitution has been
dismissed by the learned Trial Court on the ground that right to
sue does not survive after the death of wife of the petitioner
(defendant no. 7 in the suit).



The suit was filed by the respondent no. 1-plaintiff challenging the appointment of defendant nos. 6 and 7, and the deceased defendant no. 7 happens to be the wife of the petitioner.

From perusal of the impugned order, it appears that the learned Trial Court has come to the conclusion that the suit has been filed challenging the appointment of defendant nos. 6 and 7 as teachers and admittedly defendant no. 7 has died on 02.10.2021. The appointment of deceased defendant no. 7 was personal in nature and since she has died, the claim of the plaintiff also stands extincted so far as deceased defendant no. 7 is concerned.

In view of the aforesaid finding of the learned Trial Court, I do not find any reason to interfere with the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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