

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1353 of 2021

=====

Gayatri Gupta Wife of Shri Vishwanath Prasad Gupta Resident of Village-Chainpur Mubarakpur (Chainpur Bazar), P.S.- Siswan (Chainpur O.P.), District- Siwan (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Social Welfare Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Programme Officer, Siwan.
5. The Child Development Programme Officer, Raghunathpur, District- Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 17-01-2022 The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

In the instant application, petitioner has prayed for the following reliefs :-

(I) To command and direct the respondent concerned to provide/grant the allotment to the responsible authorities to pay the dues arrears of salary Rs. 2,70,116/- of the petitioner with penal and appropriate interest which are due since 09.08.1999 to 14.11.2000 Rs.1202/-, 15.11.2000 to 31.03.2007 Rs. 20,157/- and 01.04.2007 to 31.01.2017 Rs. 2,48,717/- without fault of the petitioner.



(ii) To direct the respondent authorities to pay the due arrears of salary of Rs. 2,70,116/- with penal and appropriate interest to the Retired Women petitioner as soon as possible who is having cardiac ailment.

(iii) To pass any other order(s) in the shape of consequential benefits to which the petitioner may be found to be legally entitled to in the facts and circumstances of the case in hands of the petitioner.

In absence of legal vested right followed by demand before the competent authority, the present petition is not maintainable in view of the decision of the Apex Court in the case of *Mani Subrat Jain Vs. State of Haryana* reported in *(1977) 1 SCC 486*, the present petition stands disposed of reserving liberty to the petitioner to file a detailed representation as to how the petitioner is entitled to the aforesaid relief.

If such representation is submitted before the competent authority, the competent authority is hereby directed to decide the petitioner's appeal/grievance within a period of three months from the date of receipt of such appeal/representation.

(P. B. Bajanthri, J)

mdrashid/Ravi

U			
---	--	--	--



