

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6673 of 2018

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Bimla Sinha @ Vimala Devi W/o Late Subodh Kumar Singh Mushahri P.S.
Parsona Chawk District Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Human Resource Development,
Government of Bihar Vikash BHawa
3. The Director, Secondary Education, Intermediate Council Building,
Budhmarg, Patna-1.
4. The Regional Deputy Director, Of Education Tirhut Division, Muzaffarpur.
5. The District Education office, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh Mr. Sanjay Kumar Singh
For the Respondent/s	:	Ms. Namrata Singh, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the parties concerned.

2. The petitioner is a widow of one Subodh Kumar Singh, who died on 27.09.1994, has filed the present writ application for a direction to the respondent authorities for payment of salary and other admissible benefits.

3. The husband of the petitioner was appointed as Assistant Teacher by the Managing Committee of the Neena Sinha Project Girl High School, Manjhaulia Estate Sitamarhi on 05.10.1982.

4. Learned counsel for the petitioner submits that the husband of the petitioner continuously discharged his duties till



his death. A policy for project school was adopted by the State Government in the year 1989 regarding recognition of services of the teaching and non-teaching staff and their salaries.

5. The Neena Sinha Project Girls High School was selected in the year 1985 for the panel of project schools by the three men committee constituted by the State.

6. After the death of her husband, the petitioner is living in penury. She got information from the newspaper and other sources that the State Government has decided that the payment of the salary of the teaching staff of project school and will be paid w.e.f. the year 1983.

7. The similarly situated person, who have been paid, instructed the petitioner to file representation before the authority. Thereafter, she contacted the lawyer and filed the present writ application. The entire family was dependent upon the deceased husband and after his death the family is suffering starvation and other problems due to which delay in filing the writ application.

8. Referring to Annexure-1 to the writ petition, learned counsel submits that District Education Officer, Sitamarhi, *vide* his letter bearing no. 2427 dated 20.10.1993, addressed to the Assistant Director, Human Resource



Development Department, Government of Bihar, Patna has mentioned the service status of the employees of Neena Sinha Project Girls High School, Manjhualia. In this letter, name of the husband of the petitioner has been mentioned at serial no. 4 as Science teacher.

9. The petitioner submitted his representation before the District Education Officer as well as Director, Secondary Education, Bihar, Patna on different dated, lastly on 02.05.2007, before the Director, Secondary Education, Bihar, Patna, which is still pending.

10. Learned counsel appearing for the State referring to the paragraph 5, 6 and 7 of the counter affidavit submits that in compliance of the order of the Hon'ble Supreme Court passed on 03.01.2006 in Civil Appeal Nos. 6626-6675/2001, a three men enquiry committee was constituted for examining the claims of teaching and non-teaching staffs of the project schools of phase 1984-85.

11. The committee invited the claims of the schools concerned and individual claims of teaching and non-teaching staffs. Upon perusal of the records of the department, it appears that in the representation sent by the school authorities, the name of the late husband of the petitioner was not amongst the



working teachers of the school in question.

12. The individual claim on behalf of the late husband of the petitioner was also not submitted before the committee. The committee did not consider the claim of the late husband of the petitioner as he was not reported working amongst the teachers of school in question.

13. It has further been held that Government has decided that the persons, who are not satisfied with the recommendation of the committee shall refer to the Director, Secondary Education. The teachers of the school in question, whose claim were rejected has represented before the Director, Secondary Education, but from the official records, it appears that no representation was received on behalf of the petitioner.

14. The petitioner for the first time placed her grievances by filing the present writ petition, wherein, it has been claimed that her late husband was appointed by the managing committee on 05.10.1982 and during the course of working he died in the year 1994.

15. The husband of the petitioner was B.Sc. (untrained) and only the trained teachers have been give salary.

16. The petitioner after having come to know about the fact that the similarly situated persons, who are B.Sc



(untrained) have been granted salary by the Government, filed the present writ application. Since, the husband of the petitioner had died in the year 1994, she was not aware of the decision of the Government as well as Apex Court.

17. Having heard rival submissions advanced by the parties and taking into consideration the fact that the petitioner is a widow and her representation is already pending before the Director, Secondary Education-respondent no. 3, the present writ application is disposed with a direction to the respondent no. 3 to decide the representation of the petitioner, in accordance with law, within a period of three months from the date of receipt/production of the copy of this order.

18. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

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