

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4164 of 2023**

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Shabnam Hashmi, Wife of Md. Ishaque, Representing her ill husband (Physically paralysed namely Md. Ishaque) in capacity of a Legal Guardian, Resident of the Village- Baltharba, P.O. and P.S.- Piparakothi in the District of East Champaran, presently posted at the office of District Statistic Officer at Muzaffarpur (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Ministry of Finance, Government of Bihar, Old Secretariat, Patna.
2. The Director, Economy and Statistics Directorate (Under Planning Development Department), Government of Bihar, Patna.
3. The District Statistics Officer, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav, Advocate  
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA-2

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      09-05-2023                      Heard learned counsel for the petitioner and learned counsel for the State.

2. This case was mentioned giving an impression that the petitioner wants only a direction to the respondents to consider the representation of her husband but when the case has been called out, learned counsel for the petitioner submits that in fact, the representation of her husband has already been rejected.

3. The petitioner in this case has assailed the impugned order no. 332 dated 14.10.2022 (Annexure 'P-01') whereby and whereunder, the respondent no. 2 has rejected the



representation of the husband of the petitioner for voluntary retirement.

4. On reading of the impugned order, it appears that the petitioner's husband is an accused in a case being Bagha (Patkhauri) P.S. Case No. 499 of 2018 dated 10.10.2018 registered under Section 7 of the Essential Commodities Act, 1981 read with Section 16 1(A)(ii) of the Prevention of Food Adulteration Act, 1984 and the Directorate has given sanction for his prosecution. Under these circumstances, his application seeking voluntary retirement has been rejected.

5. Learned counsel for the petitioner submits that the petitioner is the wife of Md. Ishaque who has moved this Court seeking a direction to the respondents to consider the case of her husband sympathetically.

6. Learned counsel for the State submits that the impugned order as contained in Annexure '1' to the writ application clearly states the circumstances under which the husband of the petitioner was not granted voluntary retirement. It is further pointed out that the petitioner had earlier moved this Court in CWJC No. 11953 of 2022, which was disposed of on 17.01.2023, against the notice issued under the Public Demand Recovery Act, 1914 for realization of a sum of Rs.



4,52,32,364.93/- which is said to be the assessed value of food-grains which got spoiled during the period of posting of the petitioner's husband as Assistant General Manager.

7. Having heard learned counsel for the petitioner and learned counsel for the State, on the face of the reasons assigned in Annexure 'P-01', this Court finds no plausible ground to interfere with the same.

8. This writ application has no merit. It is dismissed accordingly.

**(Rajeev Ranjan Prasad, J)**

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