

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6324 of 2018

=====

Brinda Devi, widow of Dharmadeo Singh, Resident of Village- Gahar Patna, P.S.- Patan, District- Palamu Jharkhand. At presently residing at Plot No. 9, J.K.S. Colony Jawahar Nagar, Mango, P.S.- Mango, Jamshedpur, District- East Champaran Jharkhand.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. D.G. of Police Bihar, Patna.
4. I.G. Rail Police, Bihar, Patna.
5. D I G Rail Police, Bihar, Patna.
6. S.P. Rail Jamalpur.
7. S.P. Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, Advocate

Ms.Shruti Sinha, Advocate

For the Respondent/s : Mr. Md. Nadeem Seraj- GP5

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 07-10-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for directing the respondent authority to grant exemption in the case of the late husband of the petitioner who could not pass



the Hindi noting and drafting examination during his lifetime. As the late husband of the petitioner had still about 15 years of service left and had he not been killed by extremists, he would have definitely passed the same or would have got the benefit of the exemption on attaining the age of 30 years during his lifetime as per rule/Circular.

3. Learned counsel for the petitioner submits that the husband of the petitioner had joined service on the post of a constable on 16.01.1983 and was posted at Jamalpur in Jhajha, but unfortunately on 13.04.2008, he along with four other police personals was killed in an extremist attack. It has been submitted that the petitioner's husband has appeared several times in the examination of Hindi noting and drafting but could not clear the same. The date of birth of the late husband of the petitioner is 01.01.1963 and if he had not been killed, he had left about 15 years of service. However, he further submits that the benefit of 6th pay revision and A.C.P. which was to be granted after 24 years of service has not been granted to the late husband of the petitioner. Accordingly, arrears of pay difference after said fixation in pay of the late husband and consequential fixation of family pension and death cum retiral benefits have not been paid to the petitioner



on the ground that the late husband of the petitioner has not cleared Hindi noting and drafting examination.

4. Learned counsel for the State vehemently opposes the prayer of the petitioner and submits that the present writ petition is not maintainable due to the reason that the present writ petition has been filed in anticipation of happening events and such type of relief is not permissible to be granted in the service jurisprudence. Learned counsel further submits that Annexure-B to the counter affidavit which is a notification of 15th June 1968 applicable upon the petitioner's husband that without clearing the examination of Hindi noting and drafting, no government servant is entitled to increment of pay. Admittedly, as per the pleading of the petitioner, the petitioner's husband could not pass the said examination during his lifetime.

5. Upon hearing the argument of the parties and the pleadings, it transpires to this Court that relief has been demanded by the petitioner in anticipation of future events which is an impossible event due to the death of the petitioner's husband. In law, relief cannot be granted on a priori approach.



6. In this view of the matter, this Court is not inclined to grant any relief to the petitioner.

7. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	11/10-2023
Transmission Date	NA

