

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10448 of 2023

=====

Raghwendra Lal Karn Son of Late Babuchand Lal Karn, resident of village -
Birauli, P.O. - Janakpur Road, Police Station - Pupari, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Sitamarhi.
4. The District Programme Officer, (Establishment), Sitamarhi.
5. The Treasury Officer, Sitamarhi.
6. The Accountant General, Bihar, Patna.
7. The Senior Accounts Officer, Office of Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (GP-17)
Mr. Arbind Kumar, AC to GP-17

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-10-2023

Heard Mr. Ram Sagar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Kameshwar
Kumar, learned GP-17 for the State.

Re: Interlocutory Application No. 01 of 2023

2. Learned counsel appearing on behalf of the
petitioner submitted that the original petitioner had died on
30.08.2023 during the pendency of the present writ petition and



his heirs are required to be substituted in his place as mentioned in paragraph no. 2 of the Interlocutory Application.

3. Considering the statement made in the Interlocutory Application and affidavit, the Interlocutory Application No. 01 of 2023 is allowed.

Re: CWJC No. 10448 of 2023.

4. Learned counsel appearing on behalf of the State refers to the order contained in Memo No. 242 dated 20.01.2023 (Annexure-9 to the writ petition) issued by the District Programme Officer (Establishment), Sitamarhi, and submitted that in light of the judgment dated 23.09.2022 passed in *CWJC No. 2783 of 2021 (Chandrakant & Ors. v. the State of Bihar & Ors.)* and other analogous cases, the District Programme Officer (Establishment), Sitamarhi, has taken steps not to recover from the pension of the petitioner or any pensionary benefit and as such the present writ petition is fit to be dismissed on this ground.

5. I have perused the Memo No. 242 dated 20.01.2023 from which it appears that the authorities have taken steps by way of interim measure not to recover any amount from the pension of the petitioner or from any pensionary benefit given to the petitioner, however, it is made clear that my



final decision which are required to be taken must be in consonance with the law laid down by the Apex Court and this Hon’ble Court.

6. Accordingly, the present writ petition is disposed of with a direction that the Letter No. 2938 dated 22.12.2021 has lost its force. The competent authority is directed to take steps in accordance with law.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	12.10.2023
Transmission Date	N/A

