

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11289 of 2023

=====

Malti Kumari Wife of Sri Birendra Kumar Pandey, Resident of Village-
Jhajhihat Anandpuri, 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 Headmaster-cum- Drawing and Disbursing Officer, Middle School Marwari, Pupri, Sitamarhi.
6. The Treasury Officer, Sitamarhi.
7. The Accountant General, Bihar, Patna.
8. The Senior Account Officer, Office of the Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ram Sagar Singh, Advocate
For the AG	:	Mr.Raj Nandan Prasad, Advocate
		Ms.Shailja, Advocate
For the Respondent/s	:	Mr. Kumar Kamal Nayan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 15-09-2023

Heard Mr. Ram Sagar Singh, learned counsel appearing on behalf of the petitioner; Mr. Ran Nandan Prasad, learned counsel for the Accountant General (Bihar) and Mr. Kumar Kamal Nayan, learned counsel for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to file a detail representation before the District Programme Officer (Establishment), Sitamarhi to make payment of retiral dues, as claimed by the petitioner in the present writ petition, in



terms of judgment dated 23.09.2022 passed in CWJC No.2783 of 2021 and analogous cases. He further submits that the case of the petitioner is also identical to the case of the petitioners of CWJC No.2783 of 2021 and analogous cases.

3. Learned counsel for the petitioner further submits that the respondents have admitted that no recovery can be made after the retirement, in terms of letter no.242 dated 20.01.2023 (Annexure - '6') .

4. Considering the aforesaid submissions and the petitioner having limited his prayer, the respondent no.4 [the District Programme Officer (Establishment), Sitamarhi] is directed to ensure not to recover any amount, as the case of the petitioner is covered by the judgment passed in CWJC No.2783 of 2021 and analogous cases. In case he finds that the case of the petitioner is not identical, he will provide an opportunity of hearing to the petitioner and give his own finding as to why the case of the petitioner is not identical and the petitioner is not entitled for reliefs as claimed in the present writ petition.

5. The above exercise must be done within a period of six weeks from the date of communication of this order/filing of the representation.



6. In case of failure to exercise his jurisdiction in accordance with law by the District Programme Officer (Establishment), Sitamarhi, the petitioner is at liberty to take appropriate legal action against him in accordance with law.

7. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.09.2023
Transmission Date	

