

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13496 of 2022

Indu Devi Wife of Late Ravindra nath Jha (the Professor of Shiv Prasad Sanskrit Degree College, Rampur, Buxar), Residing at Village-Sora Kothi, Dariyapur, Police Station-Fatuha, District-Patna.

... .. Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University Kameshwar Nagar, Darbhanga through its Registrar, Darbhanga.
2. The Vice Chancellor, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Finance Officer, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The State of Bihar, through the Principal Secretary, Higher Education, Human Resources Development Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Advocate.
		Mr. Kumar Goutam, Advocate.
For the State	:	Ms. Meera Singh, AC to GP-23.
For the University	:	Mr. Deepak Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 22-08-2023

Heard Mr. D. K. Sinha, learned senior counsel along with Mr. Kumar Goutam, learned counsel appearing on behalf of the petitioner; Ms. Meera Singh, learned AC to GP-23 for the State and Mr. Deepak Kumar, learned counsel for the Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.

2. The petitioner has filed the present writ petition for the following reliefs:

- (i) For issuance of writ in the nature of mandamus directing and commanding the respondents to start the family pension of the petitioner.
- (ii) For issuance of appropriate direction to pay the entire



salary of Late Ravindra Nath Jha (from June, 2012 to February, 2013 and from October, 2017 to till the date of 01.09.2020) after revising as per 6th Pay Commission since 2011, which has been held up by the respondents even after admitted by the respondent in his order dated 31.08.2021 (Anx-22 (series)).

(iii) For issuance of appropriate direction to the respondents for payment of D.A. and differences of salary of Late Ravindra Nath Jha to the petitioner.

(iv) For issuance of an appropriate direction to the respondent authorities to comply the Sankalp dated 27 July 2020 issued by the Department of Finance Government of Bihar for Government Servants died due to COVID-19 during his service period in the matter of petitioner.

(v) For issuance of writ to consider the case of the husband of the petitioner as decided in the matter of State of Bihar and others Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh and by Hon'ble Supreme Court reported in (2005) 1 PLJR 464; (2005) 9 SCC 129 with regard to absorption and regularization.

(vi) Any other relief or reliefs be granted to the petitioner to which she is found to be entitled in accordance with law.

3. Learned counsel appearing on behalf of the petitioner submits that husband of the petitioner had died in harness while he was posted on the post of lecturer at Shiv Prasad Sanskrit Degree College, Rampur, Buxar. Petitioner has been denied family pension after the death of her husband. Learned counsel has relied upon the judgment of the Apex Court rendered in the case of **Basudeo Tiwary Vs. Sido Kanhu University and Others** reported in (1999) 1 PLJR 30; **State of Bihar and others Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh and Others** reported in (2005) 1 PLJR 464. Learned counsel further submits that the petitioner is ready to file a detailed representation before the Director, Higher Education, Bihar in light of the order passed in the case of Dr. Amrit Nath Jha who



has preferred writ petition being C.W.J.C. No. 4666 of 2019 and has been disposed of vide order dated 05.10.2020 by passing, inter alia, following order and directions:

“Having considered the facts, I dispose of this writ petition with a direction to the Director, Higher Education to resume the pension of the petitioner forthwith and pay the same with arrears within two months in view of the order of the State Government contained in Letter No. 15/C-2-377/2019-2618 dated 13.11.2019 with regard to the similarly situated other teachers and may proceed further in accordance with law.”

4. Considering the fact that the petitioner has already filed her detailed representation dated 16.11.2021 before the Director, Higher Education, the Director, Higher Education is directed to take immediate steps taking into consideration the fact that the petitioner has claimed that the case of her husband stands on similar footing as that of Dr. Amrit Nath Jha in which this Court has passed specific direction for resuming the pension of the petitioner. So far as the petitioner is concerned, her husband had died in harness and due to the said reason, the service of her husband could not be regularized by passing an appropriate order by the Registrar of the University.

5. The Director, Higher Education, Bihar is directed to consider the grievance of the petitioner as claimed for in the present writ petition as well as raised in her representation dated 16.11.2021 considering the fact that the husband of the petitioner had died in harness and due to the said



fact the case of the petitioner for regularization could not be effectively taken by the University at the relevant point of time, though after passing of some time, Registrar of the University has recommended for regularization of the service of the petitioner. The Director, Higher Education, Bihar, comes to the conclusion that the husband of the petitioner was entitled to be considered as a regular employee and then may take appropriate decision in accordance with the Letter No. 15/C-2-377/2019-2618 dated 13.11.2019 and forthwith resume the family pension of the petitioner and pay the same with arrears within two months in accordance with law and the law laid down by the Apex Court in the case of **Basudeo Tiwary Vs. Sido Kanhu University and Others** reported in (1999) 1 PLJR 30; **State of Bihar and others Vs. Bihar Rajya M.S.E.S.K.K. Mahasangh and Others** reported in (2005) 1 PLJR 464.

6. With the aforesaid observation and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.08.2023
Transmission Date	N.A.

