

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18507 of 2021

Quraisha Khatoon wife of Late Mir Md. Jabir Ali, resident of Quarter No. 12,
Central Jail Campus, P.S. Rampur, District Gaya Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Home, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary Home, Govt. of Bihar, Old Secretariat, Patna.
3. The Inspector General Central of Prison Home Bihar, Patna.
4. The Superintendent Central Jail, Gaya, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Adv.
For the Respondent/s : Mr. Md. N H Khan (Sc1)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-02-2023 Learned counsel for the petitioner and counsel for the

State present.

Learned counsel for the petitioner has filed this writ petition seeking direction to make payment of the retiral dues of the husband of the petitioner. Counsel for the petitioner submits that husband of the petitioner was appointed against the permanent /regular post of a teacher, Central Jail, Gaya vide the Bihar Central Jail Patna, Appointment order no. 1-0-48/6815 on 07.09.1981 on the pay scale of 220-2-240 in Grade pay scale of 5-2-290 to 5-315 on conditional terms of employment and with further condition that the petitioner would get the next annual increment on 11.09.1982. But from the appointment letter annexure-1, it transpires that the said appointment was completely ad hoc in nature and condition was there that his service could be removed without assigning any reason. From

the said alleged appointment letter, it is also clear that he was not appointed as teacher rather he was appointed as religious preacher.

The counter-affidavit has been filed by the State. Prima-facie submits that the husband of the petitioner has moved before this court in CWJC No. 13023 of 2021 with the same relief which was dismissed due to non-prosecution vide order dated 11.01.2023 by this court. The stand of the State is that the appointment of petitioner's husband was purely on temporary basis. It has been mentioned that the appointment may be terminated any time. Option was there in the appointment letter itself that the husband of petitioner may apply through employment exchange for regular appointment but he had never applied for regular employment exchange and husband of the petitioner work through the casual and temporary teacher till his alleged retirement and in the light of the Bihar Pension Rules, he is not entitled for any retiral benefits for which the petitioner claiming.

In this background, petitioner is not entitled for any relief as prayed and therefore, the writ application is hereby rejected.

(Dr. Anshuman, J.)

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