

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14769 of 2022

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Kaiyum Rain S/O Late Abdul Latif @ Latif Ram, S/o Late Kariman, R/o Village-Chanan, Ward No.13, P.S.-Basopatti, P.O.-Damo-Via-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The then Block Education Extension Officer, Madhepur, Madhubani.
5. The then District Superintendent of Education, Madhubani.
6. The District Education Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Vagisha Pragya Vacaknavi, Adv.
For the State : Mr. Prabhakar Jha (Gp 27)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 31-07-2023

Heard Ms. Vagisha Pragya Vacaknavi, learned counsel appearing on behalf of the petitioner and Mr. Prabhakar Jha, learned counsel appearing on behalf of the State.

2. Learned Senior counsel appearing on behalf of the petitioner submits that the petitioner is the son of the deceased employee. The father of the petitioner had died during the period of pandemic after his retirement in the year 2007. The grievance of the petitioner is that all the retiral dues including his pension, which was required to be paid to the deceased employee, who had retired in the year 2007 and died on 30.04.2007 has not been paid.



3. Learned Senior counsel submitted that the petitioner has been denied dues salary for the period from 1992 till 2007 and as such a pensionary benefit relating to the deceased employee has been calculated incorrectly by the authorities. Learned counsel further submits that the petitioner is now only required to furnish service book relating to the deceased employee before the competent authority, who will verify from the service record relating to the petitioner and also required to fix the pension and other retiral dues and make payment to the retiral dues to the deceased employee within specified period.

4. Mr. Jha, Learned counsel appearing on behalf of the State has made a preliminary objection. So far as the maintainability of the present writ petition is concerned, he informs that deceased employee was transferred from Primary School, Khajura, Madhepura to Primary School (Urdu) Maktaw Ekhattha West Anchal, Khutauna.

5. Considering the objection made by Mr. Jha, with respect to maintainability of the writ petition to be dismissed on delay and laches, this Court finds that the nature of claim of the petitioner writ petition relates to retiral benefits, the same is beneficial in nature, in light



of the law laid down in **Vetindia Pharmaceuticals Limited Vrs. State of Uttar Pradesh And Another**, reported in **(2021) 1 SCC 804**. Interference of the Court is justified in the interest of justice.

6. The District Programme Officer (Establishment), Madhubani is directed to call for the records relating to the petitioner from the District Education Officer, Madhubani as well as Block Education Officer, Madhubani within two or three days.

7. He must verify from the records including the service book of the deceased employee furnished by the petitioner and after verification of the records, must sanction pension fixed by the Accountant General, Bihar, which was required to be paid to the deceased employee from the date of his retirement till his death. If the same is not paid to the deceased employee, the same be paid to the biological sons and daughters of the deceased employee equally in accordance with law.

8. With the above observation and direction the writ petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

