

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19529 of 2018

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Syed Jamshed Iqbal Son of Late Jawed Akhtar, R/o- Naughrwa Colony,
P.O.- Mahendra, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Secretary, Bihar State Madarsa Education Board, Patna.
4. Rafat Yasmeen W/o Md. Rashid Aslam, R/o Nisar Manzil, Mohalla-Pirbahore, P.O.-Mahendru, P.S.-Pirbahore, Dist-Patna-800001.
5. Md. Rashid Aslam, S/o Md. Aslam, R/o Nisar Manzil, Mohalla-Pirbahore, P.O.-Mahendru, P.S.-Pirbahore, Dist-Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Ritika Rani, Advocate
For the State	:	Mr. Jitendra Kumar Roy 1, SC-13 Mr. U.K. Singh, AC to SC-13
For the Madarsa Board	:	Mr. Md. Aslam Ansari, Advocate Mr. Shahzad Hassan Khan, Advocate Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-03-2023 Heard Ms. Ritika Rani, learned counsel appearing on behalf of the petitioner, Mr. Jitendra Kumar Roay 1, learned SC-13 appearing on behalf of the State and Mr. Md. Aslam Ansari, learned counsel appearing on behalf of the Madarsa Board.

2. At the outset, learned counsel appearing on behalf of the respondent nos. 4 and 5 seeks to file vakalatnama in the office today itself.

3. Respondent nos. 4 and 5 and the petitioner claim their entitlement over the retiral dues of the deceased employee



namely, Nikhat Yashmin.

4. The petitioner has preferred the present writ petition for payment of post retiral dues on account of Leave Encashment, General Provident Fund, Earned Leave and Gratuity. The respondent nos. 4 and 5 also claim for payment of post retiral dues to that.

5. In such circumstances, This Court will not enter into the disputed question of fact regarding entitlement of the petitioner or respondent no. 4 namely, Rafat Yasmeen, who is the daughter of the deceased employee and respondent no. 5 namely, Md. Rashid Aslam, who is the step brother and also husband of the daughter of the deceased, who has been impleaded as respondent no. 4.

6. It would be proper for the respective parties, who are claiming retiral benefit payable on account of death of the mother of the petitioner and respondent no. 4, they are required to make their respective representation before the Secretary, Bihar State Madarsa Board.

7. The petitioner has already represented before the Secretary, Bihar State Madarsa Board on 26.03.2018 itself.

8. The Secretary, Bihar State Madarsa Board is directed to take final decision on the representation of the



petitioner after issuing notice on the respondent no. 4 and if required, respondent no. 5 namely, Md. Rashid Aslam within a period of four weeks from the date of filing of fresh representation by the petitioner.

9. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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