

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21808 of 2019

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Amita Devi, Wife of Late Rajeshwar Prasad Yadav Resident of Village-
Sampatchak, Naya Tola, Kumhrar, P.O.- Kumhrar, P.S.- Agamkuan, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Secretary, Education Department, Government of Bihar, Patna.
4. The Director Administration-cum-Additional Secretary, Education
Department, Bihar, Patna.
5. The Under Secretary, Education Department, Government of Bihar, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gaurav Govind, Advocate.
For the State	:	Mr. Amit Bhushan, AC to GP-17.
For the A.G.	:	Mr. Binod Kumar Labh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 21-04-2023 Heard Mr. Gaurav Govind, learned counsel

appearing on behalf of the petitioner; Mr. Amit Bhushan,

learned AC to GP-17 for the State and Mr. Binod Kumar Labh,

learned counsel for the Accountant General.

2. Let the supplementary affidavit filed on behalf of
respondent no. 4 be kept on the record.

3. In Paragraph No.8 of the supplementary affidavit
filed on behalf of respondent no.4, it has been admitted that the
petitioner was relieved in December 2000 i.e. just after about
one month of bifurcation of State of Bihar. The matter is an old



one and records relating to the deceased employee have been transferred and exchanged between respective States after bifurcation. Considering the said fact, petitioner who is a widow appears to have been harassed because of callous attitude of the authorities in not providing relieving order, as a result of which, it cannot be verified as to whether the deceased employee had opted for the State of Bihar.

4. Learned counsel appearing on behalf of the petitioner has not denied that the petitioner is not getting family pension. The only grievance which remains of the petitioner is for payment of arrears of salary from year 2000 to 31.07.2010, the date of retirement. He submits that after bifurcation, the cadre allocation was published and petitioner was finally allotted State of Bihar.

5. Considering the aforesaid fact, the Additional Chief Secretary, Education Department, Bihar is directed to consider the grievance of the petitioner even in absence of evidence in view of admitted fact that the petitioner was finally allocated Bihar Cadre after bifurcation. The concerned authorities must ensure to make payment of all the remaining amount of retiral dues payable to the petitioner within six weeks.

6. Petitioner, if so desires, may file a detailed



representation before the Additional Chief Secretary, Education
Department, Bihar.

7. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

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