

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15490 of 2012

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2. Rajiva Kumar, Son of Late Jagdish Prasad R/o Village Asthua, P.S. Singhwara, District - Darbhanga.
 3. Sanjiva Kumar, Son of Late Jagdish Prasad R/o Village Asthua, P.S. Singhwara, District - Darbhanga.
 4. Sandeep Suman, major Son of Late Jagdish Prasad Resident of Village Asthaa, P.S. Singhwara, District - Darbhanga.
 5. Rubi Kumari, major Daughter of Late Jagdish Prasad Resident of Village Asthaa, P.S. Singhwara, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Minor Irrigation Department, Govt. of Bihar, Patna.
2. The Chief Engineer, Minor Irrigation, Muzaffarpur Distt. - Muzaffarpur.
3. The Executive Engineer, Tubewell Division, Madhubani, Distt. - Madhubani.
4. The Sub-Divisional Officer, Tubewell Sub Division Dist. - Madhubani.
5. The District Treasury Officer, Distt. - Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Satyendra Kumar Srivastava, Advocate
For the Respondent/s : Mr. Raj Nandan Prasad, SC-9

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 02-05-2024 Heard the parties.

2. Considering the law laid down by the Apex Court in case of *Sahib Ram vs. State of Haryana and Ors.* reported in *1995 Supp (1) SCC 18*, which has been clarified in case of *State of Punjab & Ors. Vrs. Rafiq Masih (White Washer) & Ors.* reported in *(2015) 4 SCC 334*, as well as, the age of the employee, namely, Late Jagdish Prasad, as informed in the affidavit to the writ petition was 52 years on the date of



Registration of the present writ petition i.e. 27.08.2012, I find that the order of recovery from a Class-III employee is not legal.

2. In case, petitioners represent before the appropriate authority, he may consider to refund in accordance with law.

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

(Purnendu Singh, J)

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