

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13060 of 2023

Saleha Khatoon Wife of Late Kazi Jwadath Hussain Resident of Village-Paschim Bainan, Bagnan, District-Howrah, State-West Bengal, PIn Code-711303, Currently Residing at C/o-kazi Taushif Hussain, A-18 Anand Bihar near I.C.I.C.I. bank, P.O. and P.S.-Anisabad, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Administration-Cum-Additional Secretary, Government of Bihar, Vikas Bhawan, Patna.
3. The In-charge, Finance (pay Claim and Fixation Cell) Department, Finance Department, Government of Bihar, Patna.
4. The District Education Officer, Patna.
5. The Principal of Shaheed Rajendra Prasad Singh, Patna High School, Gardanibnagh, Patna.
6. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Sufiyan, Advocate
For the Respondent/s	:	Mr. Hitesh Suman, Advocate
For the AG	:	Ms. Ritika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 03-01-2024 Heard Mr. Md. Sufiyan, learned counsel appearing on behalf of the petitioner, Mr. Hitesh Suman, learned counsel appearing on behalf of the State and Ms. Ritika Rani, learned counsel appearing on behalf of the Accountant General.

2. Learned counsel for the petitioner by filing the present writ petition under article 226 of the Constitution, has prayed for following reliefs:-



(i) For issuance of direction the respondents to grant of consequential benefits to the petitioner's husband in terms of the resolution of the State Government dated 11.04.1977.

(ii) For issuance of direction to the respondents to provide the consequential benefits of merger to the petitioner's husband service in Bihar Education Service Class II, thereafter provide the benefit of Bihar Education Service Class I, as well as the benefit of promotion to the Junior High Grade.

(iii) For issuance of direction to the respondents to pay the difference in account of leave encashment, difference in amount of Death-cum-retirement benefits, revise pension of the petitioner's husband as well as the family pension of the petitioner on account of change in service condition of petitioner's husband.

(iv) For issuance of any other directions/orders as deem fit and proper in the facts and circumstances of the case.

3. A counter affidavit has been filed on behalf of the respondent no. 3 stating therein that the husband of the petitioner was the member of Sub-ordinate Education Service, but subsequently inducted in Bihar Education Service by way of merger with effect from 1977. He was further promoted to Bihar



Education Service Class-I vide notification, as contained in memo no. 733, dated 21.06.2018. He next submitted that the husband of the petitioner was superannuated on 31.08.1997 and died on 16.03.2011.

4. By referring to the averments made in the counter affidavit, further submission has been made that after correspondences to the different authorities, lastly the pay slip of the late husband of the petitioner has been issued and sent to the District Program Officer (Establishment) Patna to ensure payment to the petitioner after completing necessary formalities indicated vide letter no. 1016 order dated 03.11.2023.

5. The afore noted facts has not been refuted by the learned counsel for the petitioner.

6. Considering the stand taken by the respondent no. 3, this Court thinks it proper to dispose of the writ petition with a direction to the District Program Officer (Establishment) Patna to ensure the payment of admissible dues of the petitioner preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. Needless to observe that the petitioner is a hapless widow of erstwhile employee, late Kazi Jwadath Hussain, aged about 77 years. In case, unnecessary delay is made for payment



of admissible dues, despite the order of this Court, the petitioner would be entitled to interest @ 8 per cent per annum over the delayed payment, which shall be recovered from the erring officers.

8. This disposes the writ petition.

(Harish Kumar, J)

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