

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10726 of 2017

Indukala Devi @ Indubala Devi wife of Late Kishundhan Ram, Resident of
Village- Raghunathpur, P.S. Jadia, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Human Resources
Development Department Bihar, Patna.
2. District Magistrate, Supaul.
3. District Education Officer, Supaul.
4. District Superintendent of Education, Supaul.
5. District Programme Officer Establishment, Supaul.
6. Sub- Divisional Officer of Education Birpur under PS and District Supaul.
7. Block Area Education Officer Jadia under District Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

For the Respondent/s : Mr. Kameshwar Kumar, GP-17

Mr. S.K. Ranjan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

8 09-12-2025 Heard learned counsel for the petitioner and learned
counsel appearing for the respondents-State.

2. The present writ application has been filed by the
sole nominee and widow of Late Kishundhan Ram who was
working since March, 1981 and was due to retire on 31.03.2008,
but removed from service with effect from 27.02.2008, 32 days
prior to his normal retirement on the ground that in course of
verification of Training Certificate i.e. Original Certificate and
mark-sheet, it was found that the name of the husband of the
petitioner was not found in the Admission Register of Primary



Teachers Education College, Purnea in Session 1972-74 as also the name of the husband of the petitioner was not found in the Tabulation Register of 1972-74. Further based on a Letter No.16 dated 14.02.2008 a report was submitted by the Sub-Divisional Education Officer and based on the same, the Establishment Committee had taken a decision to remove the service of the husband of the petitioner, as such the service of the husband of the petitioner was directed to be terminated by Memo No.519 dated 27.02.2008. It is this termination order which has been questioned in the present writ application by the widow of Late Kishundhan Ram, admittedly after nine years from the date of passing of the termination order.

3. During the course of argument the following facts have emerged as admitted facts:

(i) it is not in dispute that the husband of the petitioner was dismissed on 27.02.2008;

(ii) it is also not in dispute that the husband of the petitioner expired on 22.04.2013;

(iii) it is also not in dispute that the husband of the petitioner never chose to



challenge the dismissal order during the period of five years when he was alive;

(iv) it is further not in dispute that the widow of Late Kishundhan Ram has challenged the dismissal order after nearly nine years.

4. During the course of hearing, on 04.12.2025 a specific query was posed to learned counsel for the petitioner as to “why this Court should allow the widow of Late Kishundhan Ram to question the dismissal order after nearly a decade, particularly when the husband of the petitioner had the occasion for nearly five years to challenge the order of dismissal passed against him on 27.02.2008 and he chose not to challenge the same, thereby allowing the dismissal order to attain finality?”

5. Responding to the aforesaid query made by this Court on 04.12.2025, learned counsel for the petitioner submits that the present petitioner had approached this Court in 2015 by filing a writ application bearing CWJC No.7004 of 2015 claiming retiral benefits and the said writ application was disposed of on 19.01.2017 (Annexure-9) in which the following order was passed.

“After some arguments, learned counsel for the petitioner seeks leave to withdraw the present writ



application in order to assail the office order bearing Memo No. 519 dated 27.02.2008 passed by the District Superintendent of Education, Supaul by filing a separate writ application.

Leave is granted.

The writ application is disposed of.”

6. He, therefore, submits that leave was granted by this Court to the petitioner to challenge the order of termination contained in Memo No.519 dated 27.02.2008. Apart from this learned counsel for the petitioner submits that during the intervening period i.e. 27.02.2008 till 22.04.2013 the husband of the petitioner was facing criminal proceeding initiated by the department and therefore, during his lifetime the husband of the petitioner could not approach this Court for challenging the termination order. In the criminal proceeding it is stated that on 16.08.2011, the husband of the petitioner surrendered in Jadiya P.S. Case No.20 of 2008 in which charge sheet was submitted in 2012.

7. The explanation submitted by learned counsel for the petitioner to the query posed by this Court on 04.12.2025 is not found satisfactory for the reason that by order dated 19.01.2017 passed in CWJC No.7004 of 2015, only leave was granted to challenge the order of termination, which has been done by way of filing of the present writ application. Granting



of leave does not mean that the petitioner will not satisfy this Court as to why the order of dismissal dated 27.02.2008 cannot be said to have become final for not having been challenged by the husband of the petitioner when he was alive and further it also does not explain the conduct of the petitioner of not assailing the order of dismissal passed against the husband of the petitioner immediately after 22.04.2013. Even in CWJC No.7004 of 2015 the petitioner had not challenged the order of dismissal passed against her husband. So far as pendency of criminal proceeding against the husband of the petitioner being the reason for not challenging the order of dismissal is concerned, it is stated that it could not have been an impediment in challenging the order of dismissal.

8. It is the view of this Court that when the dismissal order was passed on 27.02.2008 against the husband of the petitioner, the husband of the petitioner had every opportunity to question the same when he was alive, but he did not chose to challenge his dismissal order. A decision which needs to be respected. For not having challenged the order of dismissal when the husband of the petitioner was alive, it will not be inappropriate to hold that the order of dismissal dated 27.02.2008 had attained finality.



9. For the reasons as stated above, I am not inclined to grant relief to the petitioner as prayed for in the present writ application and hence the writ application is dismissed.

(Alok Kumar Sinha, J)

Prakash Narayan

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