

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6226 of 2021

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Sushila Devi, Wife of Late Subhash Chandra Rai, Resident of Village -
Rahimapur, Post Office - Partappur, Police Station- Awatar Nagar, District -
Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary-cum-the Principal Secretary, Education
Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Programme Officer (Establishment), Saran at Chapra.
7. The District Programme Officer, Secondary Education, Saran at Chapra.
8. The Block Education Officer, Block - Dariyapur, District - Saran at Chapra.
9. The Headmaster, Govt. Sarvodaya High School Bhagwanpur, Anchal -
Dariyapur, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Resp-State	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

13 27-02-2025

Heard the parties.

2. The petitioner, who is the widow of the erstwhile Assistant Teacher, had approached this Court seeking a direction upon the respondent authorities to ensure payment of salary of her husband since 17.03.1981 to 03.12.1996, for the period, for which her husband was not allowed to mark his attendance, as his name was deleted from service and he was re-appointed on the post of Assistant Teacher by the order of this Court in



C.W.J.C. No. 5243 of 1983 vide order dated 14.12.1994.

3. Learned counsel for the petitioner contended that while the husband of the petitioner was discharging his duty as an Assistant Teacher, all of a sudden, his services came to be terminated along with one Sri Jay Dayal vide order dated 17.03.1981 passed by the Head Master of Government Sarvodaya High School, Bhagwanpur, without there being any show-cause notice and opportunity of hearing or even assigning any reason for dispensing with the service. Aggrieved, the husband of the petitioner moved before this Court in C.W.J.C. No. 5243 of 1983. During the pendency of the aforesaid writ petition, Sri Jay Dayal, whose service was also terminated in identical fashion, had approached this Court in C.W.J.C. No. 1165 of 1981, whose termination order was set aside by a Bench of this Court vide order dated 21.09.1983. It is the contention of the petitioner that in pursuant to the order of this Court, said Sri Jay Dayal had been allowed salary for the dismissal period along with other consequential benefits. However, when the case of the husband of the petitioner was taken up by this Court and finally allowed vide order dated 14.12.1994; for the reasons disclosed in C.W.J.C. No. 1165 of 1981, the husband of the petitioner has been denied salary for the period of dismissal .



The husband of the petitioner pursued his matter but to no avail and then he approached this Court in C.W.J.C. No. 17970 of 2012. However, during the pendency of the writ petition, the husband of the petitioner died on 06.08.2014 and the writ petition remained unnoticed, which resulted into non-appearance of the petitioner and finally it came to be disposed off granting liberty to the widow of the deceased-employee to take appropriate steps towards disbursement of payment already sanctioned/authorized in her favour. The Court further made it clear that it will also open to the widow to approach the concerned authority if any other grievance relating to the payment to which the deceased employee was entitled for ventilation of those grievances. Hence, the present writ petition.

4. Referring to the averments made in the counter affidavit, learned counsel for the State has submitted that it is the admitted position that the husband of the petitioner had not worked from 17.03.1981 to 03.12.1996, hence, in no circumstances, the petitioner be allowed salary for the said period. Moreover, there is no positive direction of this Court while setting aside the order of termination in C.W.J.C. No. 5243 of 1983.

5. Having considered the limited grievance of the



petitioner that the case of the petitioner is based on parity to that of Sri Jay Dayal, whose services were also dispensed with by the similar order along with the husband of the petitioner and later on the writ petition filed by the petitioner was disposed off in terms of the order passed in the case of Sri Jay Dayal, this Court deems it appropriate to direct the respondent no.3, the Director, Secondary Education, Education Department, Bihar, Patna, to consider the claim of the petitioner afresh and pass a reasoned and speaking order as to why she has been denied similar treatment as has been done in the case of Sri Jay Dayal.

6. The entire exercise must be completed, preferably within a period of twelve weeks' from the date of receipt/production of a copy of this order.

7. Suffice it to observe that in case any amount found admissible to the petitioner, the same shall be paid to her.

8. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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