

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4418 of 2025

1. Urmila Devi W/o- Late Ganesh Prasad Singh, Resident of- Golma, Ward No.- 11, Gulam, Saharsa, P.S.- Saur Bazar, District- Saharsa.
2. Kunwar Sujit Singh, S/o- Late Ganesh Prasad Singh, Resident of- Golma, Ward No.- 11, Gulam, Saharsa, P.S.- Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, New Secretariat, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, New Secretariat, Patna.
4. The Magadh University, Bodh Gaya through its Registrar.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. The Finance Officer, Magadh University, Bodh Gaya.
8. Arun Shrivastava, S/o- Not Known to the Petitioner, Presently posted as Financial Advisor, Magadh University, Bodh Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Adv.
For the Respondent/s : Mr. Government Advocate (02)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-10-2025

Heard learned Advocate for the petitioner and the learned Advocate for the State and the University.

2. The hapless widow and the son of the deceased (erstwhile employee) of the University have approached this Court for the Post Retirement benefit of the deceased (erstwhile employee), including the gratuity, leave encashment, group insurance, provident fund as well as arrears of salary and other



admissible dues. The challenge is also made to the Memo no. Fin-5/211/24 dated 03.01.2024 issued under the signature of the Registrar, Magadh University, Bodh Gaya whereby the respondent University unilaterally without any notice to the petitioners or any of the family members of the deceased employee have reduced the basic pay of the husband of the petitioner no. 1.

3. Mr. Ritesh Kumar, learned Advocate for the petitioner submitted that in pursuant to the direction of Financial Advisor, Magadh University, Bodh Gaya as contained in letter no. 885/2024 dated 12.07.2024 the petitioner no. 1 has submitted a Succession Certificate duly granted by the learned Court of Sub-Judge 1st, Saharsa, the copy of which is placed on record as Annexure P/9/3. Notwithstanding the submission of the Succession Certificate, the petitioners have not been allowed the Post Retiral benefit, except the arrears of family pension to the tune of Rs. 8,34,072/-. It is further contended that the family pension in favour of the petitioner no.1 has also been started and now she is getting the monthly family pension.

4. The surprising aspect of the matter as narrated by the petitioner is that despite the admitted position, as aforementioned, now the petitioner no. 1 has again been directed to submit a



fresh Succession Certificate with respect to other Post Retiral benefits/dues by the Finance Officer of the Magadh University, Bodh Gaya, who has been made respondent in personal capacity by making a detailed allegation in paragraph no. 15 of the writ petition. Notice has also been issued to the respondent no. 8; however, despite service of the notice, no *vakalatnama* has been filed in his behalf.

5. Learned Advocate for the University submits that though he has been instructed to appear on behalf of all the respondents including the respondent no. 8, however he fairly submitted that no *vakalatnama* has been filed on behalf of respondent no. 8. It is further contended that there is no dispute that the calculation towards the post retiral benefits/other dues have been made and the moment the petitioner no. 1 will submit further Succession Certificate with respect to the remaining due amount, the same shall be paid to the petitioner no. 1. Referring to the letter no. 885/2024 dated 12.07.2024 and the Succession Certificate, it is submitted that the Succession Certificate, submitted by the petitioner is only confined to the family pension and its arrears thereof, which has already been paid, and thus, difficulty is being faced by the University to pay the remaining amounts.



6. Having considered the submissions and the nature of grievance, this Court is appalled to see the objection raised by the University and its authorities, specially by the Finance Officer, Magadh University, Bodh Gaya. So far the Succession Certificate is concerned, the Court issues the certificate after verifying the applicant's relationship to the deceased and ensuring no valid objection. Further once this fact has not been disputed or controverted by any other claimant that the petitioner no. 1 is the legally wedded wife of the deceased employee and there had already been a Succession Certificate issued in her favour by the competent Civil Court, she cannot be compelled to bring another Succession Certificate for the remaining amount. It is the admitted position that except the petitioner no.1, who is claiming herself to be the widow of the erstwhile employee, there is no other claimant or any objection has ever been filed. Accepting the Succession Certificate, the University has already paid the family pension and the arrears thereof. Hence, this Court does not find any reason or occasion not to extend the remaining Post Retiral benefits/other dues in favour of the petitioner no.1.

7. This Court further finds that the impugned order reducing the basic salary of the petitioner's husband after 16



years of the superannuation of the erstwhile employee is patently illegal, besides the admitted position, the same has been done unilaterally, without any notice to the beneficiary.

8. It is settled position of law that no recovery can be made from a deceased employee, without following the due process of law. The husband of the petitioner no.1 had superannuated unconditionally long back in the year 2008 and during his life time no proceeding or any action has been taken for reducing the basic pay. Now after such a long span of time, any order causing prejudice to the right and entitlement of the erstwhile employee, who is no more alive to rebut and reply, is *per se* illegal and thus unsustainable.

9. For this reason alone, the impugned Memo no. Fin-5/211/24 dated 03.01.2024 is hereby set aside.

10. This Court directs the Registrar, Magadh University, Bodh Gaya to ensure payment of all the remaining Post Retiral benefits, and other dues after making a fresh calculation, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

11. The respondent authorities shall also consider the revision of pension on account of setting aside the impugned order as afore-noted.



12. The writ petition stands allowed.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2025
Transmission Date	NA

