

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12839 of 2025

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Ramdeo Prasad Yadav @ Ramdev Prasad Yadav, S/o Late Bhuto Prasad Yadav, R/o Naya Tola, Naugachia, PS Naugachia, District Bhagalpur.

... .. Petitioner/s

Versus

1. The T. M. Bhagalpur University, Bhagalpur, through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
5. The Principal, M.A.M. College, Naugachia, Dist Bhagalpur.
6. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
7. The Director, Higher Education Deptt. Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv., Mr. Ram Naresh Jha, Adv., Mr. Avanindu Kumar Jha, Adv., Mr. Bishwash Vijeta, Adv.
For the Respondent/s	:	Mr. Government Pleader (11)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-08-2025 Heard Mr. Purushottam Kumar Jha, learned counsel for the petitioner, Mr. Satyanand Jha, AC to GP-11, learned counsel for the State and Ms. Anita Kumari, learned counsel for the University.

2. The petitioner has filed the instant writ petition for the following reliefs:-

“(i) Issuance of an order, direction or a writ in the nature of Certiorari quashing the Notification No. 120 / 2023 dated 18.01.2023 issued by the then



Respondent No. 3, whereby the services of the, wife of the petitioner with several other Teaching and Non-Teaching Employees of the Fourth Phase Constituent Colleges have been terminated, even without holding any regular Departmental Proceeding against the petitioner, that too, after the death of the wife of the petitioner on 16.11.2022.

(ii) A writ in the nature of mandamus may kindly be issued by this Hon'ble Court commanding the Respondents concerned to grant all its consequential benefits including the post death benefits admissible to petitioner's wife to the petitioner, without any further delay, and upon supplying the detailed calculation thereof to the petitioner in advance.

(iii) Issuance of an order, direction or a writ in the nature of mandamus commanding the authorities concerned of the Respondent University to grant due financial Progressions to the wife of the petitioner under ACP / MACP Scheme in the following manner, that too, with all consequential benefits :-

*(i) First Financial Progression under ACP Scheme
w.e.f. 09.08.1999.*

(ii) First Financial Progression under MACP Scheme



w.e.f. 01.01.2009.

(iii) Second Financial Progression under MACP Scheme w.e.f. 02.12.2016.

(iv) To hold and declare that the action of the Respondents concerned in not deciding the representation of the petitioner dated 25.03.2025 (Annexure P/17 to this writ petition) is highly illegal, arbitrary, mala fide, malicious and unsustainable in the eye of law and on facts both and is fit to be deprecated by this Hon'ble Court in strong words.

(v) For grant of any other relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. At the outset, the issue of maintainability of writ petition for ventilating the cause of justice where rights of the petitioner's deceased wife to receive pension and promotion is jeopardized owing to passing of order of termination after her death and without following principles of natural justice and when such issues comes up for consideration, we are ported to succession law and taking into account his rightful inheritance protected under the Hindu succession Act 1956, the instant writ petition is being heard on merits as in this case legal questions have been raised



questioning the order of termination after the death of his wife.

4. The petitioner points out that the Notification No. 120 of 2023, dated 18.01.2023, issued by the respondent no.-3, whereby and whereunder the petitioner's wife is said to have been terminated from service even without holding any regular departmental proceeding and that too after death of wife of the petitioner on 16.11.2022 is in the teeth of the dictum of Hon'ble apex Court. The matter has been decided by the Coordinate Bench of this Hon'ble Court vide **C.W.J.C. No. 9052 of 2022** and analogous cases and **C.W.J.C. No. 5745 of 2025**. It is admitted at bar that no proceeding was held before passing the order impugned by the University, by which, the petitioner's wife has been terminated and, as such, the principles of natural justice is grossly violated and furthermore, the order of termination is said to have been passed after the death of the petitioner's wife, which is absolutely being beyond the jurisdiction of any authority. The said fact is also not controverted by the learned counsel for the University.

4. It is well settled in law that no person can be condemned for anything without giving proper opportunity of hearing and in the instant case from the impugned Order, it appears that the authorities have not instituted any departmental



proceeding for taking any action much less the nature of order passed or decision to terminate the petitioner's wife is said to have been taken, which form part of the impugned order dated 18.01.2023. Hence, the petitioner who is the husband of the employee having been deprived of the rightful claim of his deceased wife deserves to be interfered with for securing ends of justice.

5. In such view of the matter, considering the facts and circumstances that the order impugned is without jurisdiction and the order of termination is passed unilaterally without holding any enquiry. The order impugned is set aside and the authorities concerned are directed to take necessary steps with regard to settlement of consequential benefit as is admissible in law, preferably within a period of three months from the date of submission of copy of this order.

6. Accordingly, the instant writ petition is allowed.

(Ajit Kumar, J)

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