

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23594 of 2018

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Mithlesh Kumari Wife of late Awadhesh Kumar Prem Resident of Ward No. 3, Near SBI, ATM and Jail Korn, Barheta Road, P.S. Bahadurpur, Distt. Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The District Magistrate, District- Dharbhanga.
3. The Civil Surgeon , District- Dharbhanga, Bihar.
4. The Pravari Chhikitsa Padadhikari, Primary Health Centre, Gaighat, Darbhanga.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mr. Amiya Kunal, Advocate Mr. Ritesh Kumar Narain Singh, Advocate
For the Respondent/s	:	Mr. Ramadhar Singh, G.P.-25
For the A.G.	:	Dr. Anand Kumar, Advocate Mr. Anuradha Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 07-08-2025

Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that the
present writ petition has been filed with the following reliefs:-

*“ I. For issuance of an
appropriate writ/ writs order / orders
direction/ directions in the nature of
mandamus commanding and directing the
respondent Authority to grant ACP to the*



petitioner as the petitioner has completed more than 35 years of service thereafter she has retired from service on 31.12.2008.

II. For further direction to the respondent authority to pay other consequential benefits along with compound interest after granting ACP benefits to the petitioner.

III. For direction to the respondent authorities to pay the admissible amount of unutilized earn leave to the petitioner.

IV. For direction to the respondent authorities to pay all arrears including payment of salary dues for 79 days of the petitioner.

V. For issuance of direction to the respondent authority to pay compound interest in nature of dues amount of the petitioner. Which is not paid till date after her retirement and also pay the compensation and litigation cost for negligence attitude of the respondent concerned.

VI. For any other relief/ reliefs for which the petitioner is entitled in accordance with law.”

3. Learned counsel for the State, on the other hand, raised preliminary objection and submits that counter affidavit has come in this case and stand has been taken by the Counsel



for the State that there is a breakage of total 585 days in the service of the petitioner, in this regard statement has come in paragraph-6 and documents have been annexed as Annexure-A to the counter affidavit.

4. In response thereof, learned Counsel for the petitioner submits that the said breakage has already been considered by the competent authority and, according to him, the said breakage has now been relaxed. He seeks permission from the Court to file rejoinder to convince this Court that the letter on which the State is relying is not up to date.

5. After hearing the parties and keeping in mind that the Government of Bihar through General Administration Department has framed a Rule, namely, the Bihar Government Servant Grievances Redressal Rules, 2019 to deal such type of situations and petitioner has liberty to exhaust the remedy before the Service Grievance Redressal Officer. Counsel for the State submits that the petitioner had to avail the said remedy by way of filing the complaint under the said Rule but instead thereof they moved directly before this Hon'ble Court. Therefore, grant of time for filing rejoinder by the petitioner shall not solve any purpose. Here instead thereof, this Court hereby dispose off the writ petition directing the petitioner to



avail their remedy before the Service Grievances Redressal Officer of the department within 30 days from today and in the said rule, time frame has already been made. Therefore, Service Grievances Redressal Officer is hereby directed to decide this matter strictly according to the time frame specified in the said Rule i.e., Bihar Government Servant Grievances Redressal Rules, 2019.

6. It is made clear that the petitioner shall have liberty to annex those letters on the basis of which he is claiming that the breakage in the service has been relaxed by the competent authority under the said Rule within 30 days from today.

7. With the aforesaid direction, this writ petition is disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2025
Transmission Date	

