

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2882 of 2026

Marzina Khatoon W/o Late Abdul Rauf Ansari, Resident of Village-Rahika,
Near Masjid, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
4. The Vice-Chancellor, L.N. Mithila University, Darbhanga.
5. The Registrar, L.N. Mithila University, Darbhanga.
6. The Finance Officer, L.N. Mithila University, Darbhanga.
7. The Principal, B.M. College, Rahika, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv. Mr. Ritesh Ranjan, Adv.
For the Respondent/s	:	Ms. Surekha Kumari, AC to GP18
For the LNMU	:	Mr. Ranjan Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 11-03-2026 Heard learned counsel for the parties.

2. The instant writ petition has been filed for the following relief:-

“1(i) For issuance of an appropriate writ in the nature of Certiorari for quashing the Memo no. 594 dated 20.02.2023 issued under the signature of respondent no.3 with respect to the husband of the petitioner by which the appointment of the husband of the petitioner and some others has been held illegal and also quashing the Memo no. SC/49/23



dated 22.02.2023 issued by the respondent no. 5 by which payment of any benefit has been stopped in view of letter of the State Govt., as the aforesaid order is in teeth of law laid down by the Hon'ble High Court in Judgment dated 12.01.2024 passed in CWJC No. 9131/2022 and its analogous cases, moreover the husband of the petitioner has been absorbed in service keeping in view of the direction of the Hon'ble High Court as well as the Hon'ble Chancellor, Bihar after following the procedure.

(ii) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondent authorities to make payment the pension , pensionary dues and family pension of the petitioner with pendentilite interest which is stopped from Feb. 2023, since due to harassing attitude of the respondents the petitioner is being victimised.”

3. Counsel for the petitioner by referring to Annexure P/8 and P/13 of the writ petition submits that the appointment of the husband of the petitioner on the post of Teacher was made against the sanctioned post and ignoring the same, the Director, Higher Education, Government of Bihar had passed a reasoned order by which ignoring the ratio laid down in the case of ***Secretary, State of Karnataka & Ors. Vs. Uma Devi (3) & Ors.*** reported in ***(2006)4 SCC 1***, the case of the petitioner's husband as also other 17 teachers was found to be irregular and not fit for



regularization/absorption and, accordingly, the order as contained in Memo No. 594 dated 20.02.2023 came to be issued.

4. Counsel for the petitioner next submitted that the order, rejecting absorption/regularization of the petitioner's husband and other similarly situated persons, became the subject matter of challenge in CWJC No. 9131 of 2022 and its analogous cases and the Co-ordinate Bench of this Court had interfered with the impugned order dated 20.02.2023, holding the same to be illegal on the ground that the said order of rejection is passed after five years of retirement, while there was obvious severance of employee and employer relationship and in no stretch of imagination can be said to be justified under any law all the more when the same has been passed without there being any proceeding or in compliance of the principles of natural justice.

5. The case of the petitioner is that the petitioner's husband got died on 14.06.2015 and this order, whereby the claim of absorption/regularization is said to have been rejected after almost eight years in the year 2023 and, obviously, the petitioner was not heard, while the order impugned is said to have been passed.



6. Since, the Co-ordinate Bench has already held that the appointment of the petitioner's husband was made as against the sanctioned post and once a right has been created or rested in favour of the petitioner's husband and as also similarly situated persons, the same could not have been divested unilaterally much less in a very casual manner without giving any show-cause notice and/or proper opportunity of hearing.

7. This order of the Co-ordinate Bench passed in CWJC No. 9131 of 2022 was not put to challenge because the Committee which was headed by the Chief Secretary decided not to take this order in appeal and, accordingly, the order passed by the Co-ordinate Bench is said to have attained finality.

8. In view of the findings of the Co-ordinate Bench having attained finality, this Court has no hesitation in quashing the order as contained in Annexure- P/13, which has been passed keeping in row the Memo No. 594 dated 20.02.2023, and accordingly, the order as contained in Annexure-13 & 13/1 bearing Memo No. SC/49/23 dated 22.02.2023 and memo No. 594 dated 20.02.2023 respectively, are set aside.

9. In view of the impugned orders having been quashed/ set aside, the authorities are directed to adjudicate the claim of the widow petitioner within a period of eight weeks from the



date of filing of a representation by her and, on finding the claims to be justified in law and at par with other similarly situated persons, the same benefits shall also be extended to the petitioner widow within the same period.

10. With the aforementioned observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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