

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10566 of 2021

Sumitra Devi W/o Late Sri Niwas Singh Resident of Village Tilkapur,
Mohania, P.S. Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Animal Husbandry Department, Vikash Bhawan, Patna.
2. The Director, Animal Husbandry Department, Vikash Bhawan, Patna.
3. The District Animal Husbandry Officer, Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikalp, Advocate

For the Respondent/s : Mr. Navnit Kumar, AC to GP18

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-07-2026

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

2. The erstwhile employee had filed this writ petition seeking quashing of the Letter No. 2221 dated 30.07.2020 passed by the Director, Animal Husbandry Department, Bihar, Patna whereby the petitioner was dismissed from service on account of him having been convicted in connection with Sessions Trial No. 36 of 1998 vide judgment dated 29.02.2016.

3. Learned Advocate for the petitioner while assailing the order submitted that the order of conviction dated 29.02.2016 passed in Sessions Trial No. 36 of 1998 was challenged before this Court by filing Criminal Appeal (S.J.) No. 182 of 2016 and the same stands set aside vide order dated 17.03.2026 on being found there is no corroborative evidence to



support the charges. Since the order of dismissal was based upon the conviction order, which at present does not survive hence, the order of dismissal has no leg to stand. It is further contended that upon setting aside the judgment of conviction and sentence, the petitioner has also been extended some benefits. However, as the original petitioner died during the pendency of the writ petition, an interlocutory application has been filed for substituting the name of his wife, which came to be allowed vide order dated 15.07.2025, and now she is pursuing the lis. Despite the order of conviction and sentence having been set aside by a Bench of this Court in Criminal Appeal (S.J.) No. 182 of 2016, the order of dismissal has neither been recalled or modified nor the petitioner who happens to be widow of late Sri Niwas Singh has been allowed family pension and other admissible death-cum-retiral benefits.

4. Learned Advocate for the State submitted that the facts to the extent of conviction of the petitioner is admitted, based upon which the order of dismissal has been passed by the Director, Animal Husbandry Department, Bihar, Patna. It is further contended that so far the admissible amount under the head of G.P.F. and group insurance are concerned, the same has already been paid to the erstwhile employee before his death.

5. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of



the fact that the order of dismissal is based upon the conviction and sentence passed in Sessions Trial No. 36 of 1998, which has already been set aside in Criminal Appeal (S.J.) No. 182 of 2016 vide judgment and order dated 17.03.2026 by a Bench of this Court, this Court finds substance in the submissions of the learned Advocate for the petitioner. Once the very basis of dismissal is no more in existence, the same must be recalled by the authorities and if the same has not been done till date, this Court is of the considered opinion that it should be set aside.

6. Accordingly, the impugned order dated 30.07.2020 as contained in Letter No. 2221 passed by the Director, Animal Husbandry Department, Bihar, Patna is hereby set aside. The respondent no. 2 is directed to consider the claim of death-cum-retiral benefits as well as family pension in favor of the petitioner and pass appropriate order, extending such benefits preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. The writ petition stands allowed in accordance with law.

(Harish Kumar, J)

siddharth/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2026
Transmission Date	NA

