

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13970 of 2023

Mamta Devi Wife of Ram Pravesh Safi, Resident of Village-Pohaddi, P.O.-Pohaddi, P.S.-Bahera, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The District Education Officer, Darbhanga.
6. The District Programme Officer (Establishment), Darbhanga.
7. The District Provident Fund Officer, Darbhanga.
8. The Treasury Officer, Darbhanga.
9. The Accountant General Bihar, Patna.
10. Shri Ram Pravesh Safi, son Lakshmi Safi, resident of Village-Pohaddi, P.O.-Pohaddi, P.S. Bahera, District-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate
		Mr. Pranav Kumar, Advocate
For the Respondent/s	:	Mr. Madan Jeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 29-06-2026 Mr. Alok Kumar, learned Advocate for the petitioner submits that on account of the indifferent attitude of the petitioner's husband while she was not being maintained and extending the financial assistance, she approached before the Principle Judge Family Court, Darbhanga in maintenance case no. 146 of 2013. The learned Family Court vide judgment and order dated 10.04.2019 directed to pay the maintenance amount, but when the same was not paid, it has been directed to be realized from the salary of the petitioner. Since the husband of the petitioner retired from service on 03.06.2023 as an Assistance Teacher Middle School, Jayantipur, Alinagar,



Darbhanga, the respondent authorities have shown their inability to deduct the amount of maintenance from the salary and advised the petitioner to approach before the Principle Judge, Civil Court, Darbhanga for appropriate order.

2. Faced with such situation, the petitioner approached this Court seeking a direction upon the concerned respondent to ensure the maintenance amount by deducting the same from the pensionary benefits.

3. Considering the fact that the petitioner has statutory remedy provided under Section 127 of the Code of Criminal Procedure, 1973 , corresponding to Section 146 of B.N.S.S., 2023 for alteration of allowances on proof of a change in circumstances of any person, receiving monthly allowance or interim maintenance under Section 125 of Cr.P.C., this Court does not find any reason or occasion to entertain the present writ petition.

4. Accordingly the present writ petition stands disposed off with a liberty to the petitioner to approach before the concerned Principle Judge, Family Court, Darbhanga for the modification or alteration of the judgment/order of the learned Family Court in terms of Section 127 of Cr.P.C., corresponding to Section 146 of B.N.S.S., 2023.

(Harish Kumar, J)

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