

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16358 of 2010

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Varun Kumar, S/o Late Chandrika Prasad Yadav, R/o Vill.- Makhdumpur, P.S.-
Danapur, Distt.- Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Accountant General of Bihar, Patna
3. The Principal Secretary, Human Resources Department, Patna
4. The Director, Secondary Education, Bihar, Patna
5. The District Superintendent of Education, Bihar, Patna
6. The District Education Officer, Patna (Bihar)

.... Respondents,

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Appearance :

For the Petitioner : Shri Rajendra Prasad Singh, Sr. Adv.
Miss. Arpana Kumari, Adv.
Shri Rajeev Kumar Singh, Adv.
For the Respondents : Smt. Nivedita Nirvikar, G.A. 10
Shri Manoj Kumar, A.C. to G.A 10

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 21-01-2015

The petitioner is the son of late Chandrika Prasad Yadav, who was working as the Head Master in a Government School. Shri Chandrika died on 13.12.1992. This writ petition is filed with a prayer to direct the respondents to extend the death-cum-retirement benefits of late Chandrika Prasad Yadav. The respondents filed a detailed counter affidavit and supplementary counter affidavit. According to them, the petitioner was not only accused of committing the murder of his stepmother Smt. Asha Devi, but was also convicted for the same. It is stated

that late Smt. Asha Devi was recognized as the legal heir and she was also appointed on compassionate grounds and, in that view of the matter, the petitioner is not entitled for the benefits.

Heard Shri Rajendra Prasad, learned Senior Counsel for the petitioner, and Smt. Nivedita Nirvikar, learned counsel for the respondents.

There is a serious dispute as to the very entitlement of the petitioner to claim or to receive the benefits. Firstly, late Smt. Asha Devi was recognized as the legally wedded wife of late Chandrika Prasad Yadav and she was also extended the benefit of compassionate appointment. The question as to whether the mother of the petitioner was married to late Chandrika Prasad Yadav and he continues to be the legal heir, needs to be examined. As of now, the petitioner is convicted of the offence of committing the murder of late Smt. Asha Devi, though the appeal is said to be pending before this Court. As the things stand now, the petitioner cannot be extended the benefit.

Therefore, the writ petition is dismissed, leaving it open to the petitioner to renew his efforts in the event of his being acquitted in the criminal appeal filed by him against the conviction and sentence and duly obtaining

a succession certificate from the competent court of law.

Interlocutory application, if any, stands disposed

of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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