

.IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19300 of 2012

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1. Ajmun Nisha Widow of Late Motiur Rahman
 2. Jamshed Alam Son of Late Motiur Rahman
 3. Md. Ali Son of Late Motiur Rahman
 4. Ahmad Ali Son of Late Motiur Rahman
 5. Asgar Ali son of Late Motiur Rahman
 6. Aslam Ali son of Late Motiur Rahman
 7. Khursheed Alam Son of Late Motiur Rahman All are resident of village- Bisaipatti, Majhauria, Post- Bihar Mahila Vidyapeth Majhauria, P.S.- Ashok Paper Mill, District- Darbhanga
 8. Shahnaj Begum wife of Md. Shamim, D/o Late Md. Motiur Rahman resident of village- Asraha, P.S.- Keoti, District- Darbhanga
 9. Shahnaj Begum wife of Md. Shamim, D/o Late Md. Motiur Rahman resident of village- Chhet Bakhari, P.O.- Janardanpur, P.S.- Kalyanpur, District- Samastipur
 10. Shahnaj Begum wife of Md. Shamim, D/o Late Md. Motiur Rahman resident of village- Dighiyar, Post Barh Samla, P.S.- Keoti, District- Darbhanga
 11. Shahida Khatoon wife of Md. Jubair, D/o Late Md. Motiur Rahman resident of village- Bisaipatti, Majhauria, Post- Bihar Mahila Vidyapeth Majhauria, P.S.- Ashok Paper Mill, District- Darbhanga

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Ministry Of Home Affairs, Government Of India, New Delhi
2. The Under Secretary, Government Of India, Ministry Of Home Affairs, Freedom Fighter Division, Loknayak Bhawan, Khan Market, New Delhi
3. The State Of Bihar Through The Secretary, Department Of Home (Special), Bihar, Patna
4. The Deputy Secretary, Department Of Home (Special), Bihar, Patna
5. The District Magistrate, Darbhanga
6. The Additional Collector, Darbhanga
7. The Deputy Collector , District Records Office, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Respondent/s : Mr. Awadhesh Kumar Pandey, SC CG

Mr. Shashi S.Pd. Sinha, AC to GA 13.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 26-08-2015

The original petitioner prayed for quashing order dated 31.10.2011, issued by respondent no.2 by which his claim for grant of Swatantrata Sainik Samman Pension had been rejected on the ground that the State Government did not furnish NARC provided under the Scheme and PKC was issued by

Yamuna Singh, who even did not suffer jail for required two years.

Heirs of original petitioner submit that primary and secondary evidences are necessary for grant of such Pension and when secondary evidence like statement of Yamuna Singh fails, the primary evidence would still hold the court. In paragraph 4 of the writ petition it is stated that the original petitioner had submitted certified copy of GR case no. 628 of 1942 (Emperor Vs. Saryug Mallah and others) in which he has been shown as absconder and permanent warrant of arrest was issued. learned counsel while referring to paragraph 7 of the counter affidavit filed by the State submits that the matter had also been verified by the District Magistrate, Darbhanga and the Department of Home (Spl) Bihar, Patna vide Memo no. 230 dated 19.5.2011 had sent its report to respondent no.2 which has not been considered.

In my view, the State Government should reconsider the case of the petitioners and send its recommendation to the Union Government preferably within two months.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

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