

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.747 of 2015

Along with

Interlocutory Application No. 9560 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 17926 of 2011

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Mina Devi Wife of Late Ugneshwar Prasad Mandal, Resident of Village Madachack, P.S. Amarpur, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Banka, District Banka.
4. The District Programme Officer (Establishment) Banka, District Banka.
5. The Block Education Extension Officer, Amarpur, District Banka.
6. The District Provident Officer, Banka, District Banka.
7. The Accountant General, Government of Bihar, Patna.
8. Nira Devi @ Meera Devi, Wife of Late Ugneshwar Prasad Mandal, Resident of Village Madanchak, P.S. Amarpur, District Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-12-2015

Re.: Interlocutory Application No. 9560 of 2015

Heard learned counsel for the parties.

The Interlocutory Application has been filed seeking modification of the order to the extent that in Paragraph No. 1 of the main application, prayer should be for modification of the order and not on the basis of any typographical error.

Upon hearing learned counsel, prayer is allowed. The main application be considered for modification of the order on merits and not on the basis of any typographical error.

Interlocutory Application No. 9560 of 2015 stands

disposed off.

Re.: Miscellaneous Jurisdiction Case No. 747 of 2015

Learned counsel for the petitioner submits that due to there being some confusion in the materials before the Court and the same not having been clarified by learned counsel, a finding has come in the order dated 30.01.2015 in C.W.J.C. No. 17926 of 2011, that the deceased employee had only one son and two daughters from Mina Devi, and one son of Mina Devi was from his previous husband. It is submitted that Mina Devi was never married to any other person and all the four daughters i.e., two and two daughters were from the deceased employee himself.

Learned counsel appearing for the first wife i.e., Nira Devi @ Meera Devi does not dispute the position.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the order dated 30.01.2015 passed in C.W.J.C. No. 17926 of 2011 stands modified to the extent that the finding with regard to Mina Devi having only Dharmendra Kumar as the son from the late employee stands modified and substituted by the finding that Mina Devi had two sons and two daughters from the deceased employee namely, Rakesh Kumar, Dharmendra Kumar, Punam Devi and Neha Kumari and accordingly, the elder son being Rakesh Kumar has the first claim after the widow to any compassionate appointment.

The application stands disposed off in the

aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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