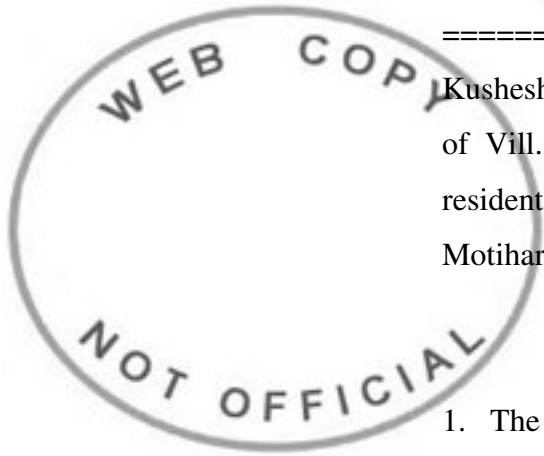


IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1132 of 2007



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Kusheshwar Kumar Dinkar son of late Deo Nandan Prasad Yadav, resident of Vill. Saidpur, P.O. Saidpur, P.S. Mansi, Distt. Khagaria. At present resident of Vill. Chakalhuran, P.O. & P.S. Mansi, Distt. East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar
2. Director of Primary Education, Govt. of Bihar, Patna.
3. Regional Deputy Director, Education, Muzaffarpur Division, Muzaffarpur.
4. The Commissioner-cum- Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
5. The District Superintendent of Education, East Champaran, Motihari.
6. The Area Education Officer, Chakia, East Champaran, Motihari.
7. The Head Master, Rajkiya Middle School, Bakhri, Anchal-Mehsi, Distt. East Champaran, Motihari.
8. Accountant General, Bihar, Patna

.....Respondents 1st Set

9. Sushila Devi wife of late Deo Nandan Pd. Yadav, resident of Vill. Saidpur, P.O. Saidpur, P.S. Mansi, Distt. Khagaria.

.....Respondent 2nd Set

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Appearance :

For the Petitioner : Mr. Dhurendra Kumar, Advocate
For Accountant General : Mr. Vivekanand Kumar, Advocate
For the State : Mr. Ajit Pratap Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

6 06-01-2015 Heard learned counsel for the parties.

Learned counsel for the petitioner has referred to a decision of the Hon’ble Supreme Court in the case of **Shipra Sengupta vs. Mirdul Sengupta** reported in **2010 (2) PLJR SC 1** in which it has been held that the nominee is entitled to receive the property or amount due to the deceased but the amount so received is to be distributed according to law of succession among the heirs.

Be that as it may, the petitioner has to move the proper forum for claiming such right under the law of succession.

In view of the aforesaid, learned counsel for the petitioner prays to withdraw the application with liberty to move before the appropriate forum for claiming his portion of the amount received by his step-mother on account of retiral benefits of his late father in accordance with law.

Accordingly, the application stands disposed off with the liberty aforesaid.

(Ahsanuddin Amanullah, J)

Anjani/-

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