

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23595 of 2013

=====

1. Jamila Khatoon W/O Late Dr. Mohammad Ayub Resident Of Village -
Banauli, P.O. And P.S. - Chenari, District - Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Health, Medical Education And Family Welfare Department, Govt. Of Bihar, Old Secretariat, Patna
2. The Special Secretary , Health, Medical Education And Family Welfare Department, Bihar, Patna
3. The Director, Health Department, Govt. Of Bihar, Patna
4. The Deputy Director, Health Department, Govt. Of Bihar, Patna
5. The Civil Surgeon Cum Chief Medical Officer, Rohtas, Sasaram
6. The Accountant General, Office Of Accountant General, Birchand Patel Marg, Bihar, Patna
7. The State Of Jharkhand Through The Director, Health Medical Education And Family Welfare Department, Jharkhand, Ranchi
8. The Civil Surgeon Cum Chief Medical Officer, Lohardaga, Jharkhand
9. Md. Kamran Ayub
10. Md. Imran Ayub
11. Md. Rijwan Ayub All are s/o Late Md. Ayub & Sajida Khatoon All are R/o Village- Banauli, P.O.+P.S.- Chenari, District- Rohtas, Sasaram

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Respondent/s : Mr. Nishi Natha Ojha, Advocate
For State of Bihar : Mrs. Abhanjali, AC to GP-16

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 19-07-2016

Heard learned counsel for the parties.

One Dr. Md. Ayub was appointed as Medical Officer in the year 1969. He retired from his active service from Lohardaga with effect from 31.01.2000. After his retirement, the State of Bihar came to be divided into two States, viz, the State of Jharkhand and rest of Bihar with effect from 15.11.2000. He died on 12.05.2001.



It is the case of the present petitioner that said Dr. Md. Ayub died, leaving behind him two wives, namely, Sajda Khatoon and Jamila Khatoon (the petitioner). The petitioner claims that she was the first wife of Dr. Md. Ayub and Sajda Khatoon was his second wife. It is her further claim that in the General Provident Fund account of Dr. Md. Ayub, the petitioner's name has been mentioned as nominee.

It transpires that after the death of Dr. Md. Ayub, family pension was sanctioned in favour of Sajda Khatoon. Sajda Khatoon continued receiving family pension till her death on 19.06.2009. The petitioner claims to have received General Provident Fund amount.

It is now claim of the petitioner that after death of Sajda Khatoon, the petitioner should be allowed to receive family pension.

The dispute of this nature cannot be gone into in the present proceeding as it cannot be held in writ proceeding whether the petitioner was the first wife or the second wife of the deceased Government servant or she was his wife at all or not.

I, therefore, do not intend to entertain this writ application keeping in view the fact that it involves a disputed question of facts.

It is, however, made clear that it will be open to

the petitioner to apply before the authorities and convince that she was the first wife/wives and for that reason she is entitled for family pension after the death of Sajda Khatoon.

This application stands disposed of with the observations as above.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--