

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14378 of 2014

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Dhira Devi wife of Late Rajeshwar Singh Resident of village - Rajepur Beraj, P.S. Sarai, Distt. - Vaishali

.... Petitioner

Versus

1. The State of Bihar
2. The Accountant General, Bihar, Patna
3. The Superintendent of Police, Supaul
4. The Treasury Officer, Vaishali at Hajipur
5. Pramila Devi wife of Late Rajeshwar Singh Resident of village - Rajepur Beraj, P.S. Sarai, Distt. - Vaishali, At Present D/o Thakur Satrudhan Prasad Singh, Resident of village - Shreepur, P.S. Kudhari, P.O. Kudhari (Turkey), District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Anil Kumar
For the Respondent No.5	:	Mr. S.Azeem, Advocate,
For the A.G	:	Mr. Ranjan Kumar, Advocate
For the State	:	Mr. Anant Prasad Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 17-09-2016

Heard.

The petitioner claimed to be the first and only wife of late Rajeshwar Singh who superannuated as a police officer on 30th June, 2007. As per the service book of late Rajeshwar Singh his wife was shown to be Dhira Devi, the petitioner and children were shown to be the children from Dhira Devi.

On the eve of retirement, respondent no.5 turns up and claimed, by filing a writ petition in this Court, that she was, in fact, the first legally wedded wife of late Rajeshwar Singh. The marriage



had taken place in the year 1973. In other words, after almost 35 years, she surfaced only at a time when Rajeshwar Singh was about to retire. She first filed a criminal complaint of dowry in the year 2006, i.e., 33 years after her alleged marriage. In the writ proceeding, the writ Court disposed of the proceeding directing the Superintendent of Police to make enquiry and take decision in the matter. The matter was enquired into by the Superintendent of Police, Supaul who noticed the facts that respondent no.5 Pramila Devi was not able to bring on record any chit of paper before him that she was the first legally wedded wife. He also noticed that the entire service record of late Rajeshwar Singh, there is only petitioner no.1 Dhira Devi shown as the wife and children therefrom as his children and there was no mention of respondent no.5. He, accordingly, advised respondent no.5 to move the competent Civil Court and get her right declaration. However, while doing so, he directed that till the matter is resolved the petitioner Dhira Devi should not get her family pension, as by then late Rajeshwar Singh had died. It is this, that the petitioner has come up against.

Having considered the matters and having perused the counter affidavit of respondent no.5 and heard the parties, it is apparent that respondent no.5 can not make her claim because, neither she is the first wife as per his service book nor before this Court any document

has been brought on record to show that respondent no.5 was married to the late Rajeshwar Singh, the husband of the writ petitioner in the year 1973. There are only verbal statements and unsubstantiated reports. What was she doing for the last 36 years and as to why upon on the eve of superannuation of late Rajeshwar Singh, she suddenly appears and hence her claim is not explained.

In such situation, if at all she has a case, she has to move a competent Civil Court for the said grievance challenging that the right of the writ petitioner Dhira Devi cannot be accepted.

I, therefore, allow this writ petition and direct the State and the Accountant General to resume the family pension and payment of pensionary benefits to the writ petitioner Dhira Devi as per the service book of late Rajeshwar singh in favour of the petitioner and her children. So far as respondent no.5 is concerned, she must establish her claim and her right in competent Court and only then she would be in a position to get anything in respect of the estate of late Rajeshwar Singh.

The writ petition is, accordingly, allowed.

(Navaniti Prasad Singh, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
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