

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2108 of 2016

In

Civil Writ Jurisdiction Case No. 3804 of 2016

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Most. Rinku Devi, wife of late Baliram Mistri, resident of Mohalla-Sikhar,
P.O.-Baragandhar, P.S. Mufassil, District-Gaya.

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary Public Health & Engineering Department
Bisweshwaraiya Bhawan Beli Road, Patna.
3. The Engineering in Chief, Public Health & Engineering Department
Bisweshwaraiya Bhawan Beli Road, Patna.
4. The Superintending Engineer PHED Mechanical, Veterinary College
Campus, Patna.
5. The Executive Engineer, PHED Mechanical, Sasaram, Rohtas.
6. Most. Janakawa Devi, wife of late Mahesh Mistry, residence of
village-Sikhar, P.O.-Baragandhar P.S. Mufassil, District-Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 12-07-2017 Looking to the nature of suspicious circumstances available on record which includes factum of marriage of petitioner with her deceased husband i.e. being his second wife. The learned writ court in stead of granting benefit of pension to the petitioner on the ground that she is the second wife of the deceased employee has decided the matter directing the authorities to act in terms of succession certificate to be obtained from the competent court as may be produced by the petitioner.

Accordingly, petitioner is directed to obtain



succession certificate from the competent authority with regard to her claim for pension. In doing so, no error has been committed by the learned writ court as a dispute of the nature as made out from the material available on record cannot be decided in a petition under Article 226 of the Constitution.

Accordingly, the appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Ravi/-

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