

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21805 of 2014

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Lalmuni Devi Wife of Late Dhankuber Tiwary Resident of village-
Bansdila, P.O.- Kopa Bazar, Police Station- Kopa, District-Saran (Chapra).
.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
 2. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar Darbhanga through its Registrar.
 3. The Vice-Chancellor, Kamesahwar Singh Darbhanga Sanskrit University, Kameshwar Nagar Darbhanga.
 4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar Darbhanga.
 5. The Principal, Bharat Mishra Sanskrit College, Chapra, District-Saran.
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Respondent/s : Mr. Aag14- Kaushal Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

5 10-08-2017 Heard counsel for the petitioner, counsel for the Kameshwar Singh Darbhanga Sanskrit University, counsel for the State and counsel for respondent No.5, the Principal of the College.

Shorn of all other details, the husband of the present petitioner, late Dhankuber Tiwary, was given status of regular employee with effect from 26.06.1994, but salary with effect from 01.04.1998. He superannuated in the year 2002, has died and now the wife is asking for the family pension.

Since the husband of the present petitioner did not have the minimum qualifying service of ten years, therefore, he



was not entitled to grant of benefit of any pension and as a corollary thereto the wife cannot get the higher benefit than what the husband is entitled to.

There is no scope for argument on this issue because absorption of the petitioner in the college under the University was achieved after many rounds of legal battles but with effect from 1994 alone and not from any previous date of his engagement. Since the husband of the petitioner did not serve the University or the college in question long enough, the expectation of the present petitioner and the demand made from the respondents through the present writ application is a misplaced exercise which cannot beget her any kind of relief in this regard.

Writ application is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

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