

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8287 of 2016

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Taibun Nesha wife of Late Sohrab Ali, R/o Village Betari, P.S. Bhabua, at present reside at Bhabua, Ward No. 10, P.S. Bhabua, District Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. The Accountant General, Bihar, Patna
3. The District Magistrate, Kaimur at Bhabua
4. The District Education Officer, Kaimur at Bhabua
5. The District Programme Officer (Establishment), Kaimur at Bhabua
6. Block Educational Officer, Kaimur at Bhabua

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan Advocate
For the Respondent/s	:	Mr. Khurshid Alam A.A.G.-12 Mr. Fakhruddin Ali Ahmad AC to A.A.G.-12
For the Accountant General	:	Mr. Arun Kumar Arun Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 07-07-2017

Heard learned counsels for the parties.

Keeping in mind the fact that the Personal Law governing the petitioner does not bar a second marriage nor can it be held to be bad in law, therefore, it cannot form a ground for denying pension to the present petitioner on the specious ground that the husband of the petitioner was a government servant who had not taken permission from the State authorities before entering into second marriage.



The plea of the State is rejected. The direction is issued upon the competent authority that the family pension be authorized in favour of the petitioner, since the first wife is stated to be dead and since there are no legal heirs from the first wife. The authorization and payment must be made within a period of four months from the date of production / communication of a copy of this order. Any decision taken contrary to the interest of the petitioner rejecting claim for family pension would be invalid.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J)

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