

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5700 of 2016

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Jitendra Nath Chaubey S/O Late Makardhawaj Chaubey R/O Ward No.12,
Sugali Salempur, P.S.- Salempur, District- Deoria. (U.P.)

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Education Government of Bihar, Patna.
2. The Director, Higher Secondary School, Budh Marg, Patna.
3. The District Education Officer, Saran.
4. H.M. Ramanand High School, Rampur Pratappur, Saran, Chhapra.
5. The State Bank of India, Mairwa Branch through Chief Manager S.B.I. Mairwa, District- Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Adv.
Mr. Navin Kumar, Adv.
For the State : Mr. Sushant Praveen, AC to G.A. 7
For the S.B.I. Mr. Kaushalendra Kr. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioner, learned
counsel appearing for the State as well as learned counsel for the
Bank.

Petitioner is son of late Makardhawaj Chaubey and
he claims that late Makardhawaj Chaubey adopted him as son
through registered deed of adoption when he was only aged about
six years. The late Makardhawaj Chaubey was working as
headmaster and superannuated from the service in the year 1996
while working as headmaster of Ramanand High School, Rampur
Pratappur, Saran at Chapra. The late Makardhawaj Chaubey died
on 25.07.1998 and after death of late Makardhawaj Chaubey, the



above stated school informed the petitioner that his father, late Makardhawaj Chaubey had taken only provisional pension and he was not getting full pension and it was also informed that his entire retiral dues were not paid to him. Thereafter, the petitioner made claim and the family pension was fixed at the rate of Rs. 4200/- per month. The petitioner received family pension up to 31.07.2013 but all of a sudden his family pension was stopped and thereafter, he made several requests to the concerned officials but all went in vain. However, petitioner came to know that his family pension was stopped on the basis of complaint made by some persons on the ground that he has become major. Thereafter, petitioner gave explanation and his reply to the concerned officials but even then his family pension was not commenced and hence, petitioner approached this court by filing the present writ petition.

Although opportunity was given to the respondents to file counter affidavit but no counter affidavit has been filed on behalf of the respondents.

It would appear from the pleadings of the petition that father of the petitioner was working as headmaster in Ramanand High School, Rampur Pratappur, Saran at Chapra and superannuated from service in the year 1996 and subsequently, died in the year 1998. It also appears from the pleadings that father of the petitioner was not getting full pension rather he was getting



only provisional pension. Furthermore, it appears from the pleadings that entire retiral dues of father of the petitioner was not paid to him. Moreover, it would further appear from the pleadings that petitioner being adopted son of late Makardhawaj Chaubey got family pension up to 31.07.2013 and after that his family pension was stopped.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this writ petition stands disposed of giving liberty to petitioner to file representation before the respondent no. 2 within a month from today raising his all grievances who shall in his turn pass a reasoned and appropriate order on the representation of the petitioner within two months from the date of filing of representation. However, it is made clear that if any representation is filed by the petitioner within above stated period of one month, the respondent no. 2 shall enquire about the admitted claim of the petitioner within three weeks from the date of filing of representation and shall ensure the payment of admitted dues.

(Hemant Kumar Srivastava, J)

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