

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10770 of 2016

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Anup Prakash Upadhaya, S/o Late Bhanu Prakash Upadhaya, R/o Mohalla-
Tiwaritola, P.O. + P.S.- Dumaron, Distt- Buxar.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Buxar,
4. The District Education Officer, Buxar.
5. The District Programme Officer, Buxar,
6. The Accountant General, Bihar, Patna.
7. The Treasury Officer, Buxar,

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Adv.
Mr. Kritya Nand Jha, Adv.

For the State : Mr. Pankaj Kumar Singh, AC to G.A. 9

For the A.G. : Mr. Binod Kumar Labh, Adv.
(Standing Counsel, IA & AD)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 19-08-2017 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel appearing for the
Accountant General.

It would appear from perusal of the record that father
of the petitioner was a teacher and superannuated from service in



the year 2006. The pension of the petitioner's father was fixed and after his death the mother of the petitioner started getting family pension. The petitioner became handicapped and disabled at the lifetime of his father but even several representation made by the petitioner as well as her mother, the family pension of the petitioner was not sanctioned though mother of the petitioner died in the year 2015.

Learned counsel appearing for the petitioner relied upon Memo No. PP-11-1025/75/1884 F, dated 19.03.1975 in which the State Government agreed to pay family pension to disabled son or daughter of retired employee.

However, learned counsel appearing for the State submits that petitioner is aged about 40 years old and therefore, according to government circular he is not entitled to get pension being disabled person.

Taking note of the aforesaid submissions as well as facts and circumstances of the case, this petition stands disposed of giving direction to respondent no. 2, the Director, Primary Education, Bihar, Patna to pass an appropriate and reasoned order on the grievance of the petitioner in accordance with law within three months from the date of filing of the representation and if petitioner is entitled to get family pension, the respondent no. 2



shall ensure the family pension of the petitioner within the above stated period. However, it is made clear that petitioner must file representation before the respondent no. 2 within three weeks from today.

(Hemant Kumar Srivastava, J)

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