

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1167 of 2014**

**IN**

**Civil Writ Jurisdiction Case No. 20876 of 2013**

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Kalawati Devi W/o Late Madan Mohan Prasad Resident of Village Brrai, P.O. Arai, P.S. Daudnagar, District Aurangabad (Bihar).

.... .... Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Deptt. of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Aurangabad, Bihar..
5. The District Program Officer, Aurangabad, Bihar.
6. The Block Education Officer, Daudnagar, Aurangabad, Bihar.
7. The Circle Officer, Daudnagar, Aurangabad, Bihar.
8. The Accountant General, Govt. of Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ram Chandra Prasad Bharti, Advocate

For the Respondent/s : Mr. Dhurjati Kr Prasad, GP-14

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 10-04-2017**

Seeking exception to an order dated 3.7.2014 passed by the learned Writ Court in C.W.J.C. No.20876 of 2013, this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner is the second wife of late Madan Mohan Prasad, who during his life time, when his first marriage was alive, married the present petitioner and after the death of the first wife when the petitioner claimed family pension, the same was rejected



by the Department and challenge before the learned Writ Court was also dismissed, finding that the second marriage of the petitioner with the employee during subsistence of the first marriage was illegal and after placing reliance on various judgments of the Supreme Court and of this Court, has found that she is not entitled to any family pension. The order passed by the writ Court, we find, is in accordance with the requirement of law.

In doing so, we do not find any error committed by the learned Writ Court warranting interference.

The appeal is accordingly dismissed.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

K.C.jha/-

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