

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3890 of 2016

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Pratima Devi Wife of Late Budhinath Paswan, Resident of Village - Sakarama,
P.S. - Sanhaura, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Home), Bihar, Patna.
2. The District Magistrate, Bhagalpur, District - Bhagalpur.
3. The Superintendent of Police, Bhagalpur, District - Bhagalpur.
4. The Sub - Divisional Officer, Kahalgaon, District - Bhagalpur.
5. The Circle Officer, Sanhaura, District - Bhagalpur.
6. The Officer - In - Charge, Sanhaura Police Station, District - Bhagalpur.
7. The Accountant General, Bihar, Patna.
8. Mosmat Daya Devi, Wife of Late Budhinath Paswan, Resident of Village - Sakarama, P.S. - Sanhaura, District - Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Respondent/s : Mr. Binod Kumar Yadav- SC18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-11-2017

This case was earlier listed under the heading 'For Admission' on 11.10.2017. On that day no one appeared on behalf of the petitioner. Counsel for the State submitted that the writ application itself is not maintainable at the instance of second wife, as second wife is not entitled to pension under the Bihar Pension Rules, but the court was not inclined to pass any order, as no one was present on behalf of the petitioner to assist the Court. However, despite indulgence granted on 11.10.2017, even today, no one appeared on behalf of the petitioner.



In view of the fact that second marriage itself, is void ab initio, second wife is not entitled to pensionary benefit under the Bihar Pension Rules. No useful purpose will be served by keeping this writ application pending. This writ application is disposed of with liberty to the petitioner to approach the authority concerned for pensionary benefits of offsprings of the second marriage, if any, as children out of second marriage are entitled to pensionary benefit under the scheme of Bihar Pension Rules.

In the event of application on behalf of children of second marriage is filed, the authorities are required to examine their claim and make payment of post-retiral dues in terms of Bihar Pension Rules notwithstanding rejection of the claim of the writ petitioner for payment of post-retiral dues, as petitioner appears to be the second wife.

(Anil Kumar Upadhyay, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03/11/2017
Transmission Date	NA

