

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7588 of 2015

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Dr. Bacchu Singh, Son of Late Shiv Nandan Prasad, Resident of Prashant Nursing Home, Ram Chandra Pur, P.S.- Biharsharif, District - Nalanda (Bihar).

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Secondary Education (Human Resources) Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Patna.
4. The Head-Master, Anugraha Narayan Singh High School, Barh, Patna.
5. The Director, Provident Fund, Patna.
6. The Accountant-General, Bihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Respondent/s : Mr. Manoj Kumar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 09-02-2017

Under the family pension scheme in case of widower, family pension would be admissible upto the date of death or re-marriage whichever is earlier.

The petitioner claims himself to be the husband of the deceased government servant late Kamla Kumari @ Kamla Devi.

The State has filed a counter affidavit, wherein, report of the Circle Officer has been annexed, which goes to suggest that after death of late Kamla Kumari @ Kamla Devi, the petitioner Dr. Bacchu Singh has remarried another lady, namely, Sushma Singh.

In view of the report of the Circle Officer as also in



view of the fact that earlier one Prashant Kumar had filed writ application before this Court vide C.W.J.C. No. 907 of 2005 claiming himself to be son and sole legal heir of Late Kamla Kumari @ Kamla Devi, for the reliefs prayed for in the present application, the respondents have asked the petitioner to obtain Succession Certificate.

In the given facts and circumstances, in my considered opinion, the approach of the respondent-State is wholly justified. In that view of the matter, I am not inclined to issue any direction in favour of the petitioner. Accordingly, the writ application is dismissed.

However, it would be open to the petitioner to file Succession Case before the court of competent jurisdiction and make his claim before the authorities after obtaining the Successions Certificate. In that circumstance, the authorities would deal with the matter expeditiously in accordance with law.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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