IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.131 of 2014

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Arun Kumar Son Of Late Shankar Mahto Resident Of Mohalla- Kanhauli, Goushala Road, Masjid Chowk, P.O.- Ramna, P.S.- Mithanpura, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Division, Muzaffapur
3. The Secretary To The Commissioner, Tirhut Division, Muzaffarpur
4. The Accountant General, Bihar, Patna
5. Laxman Mahto Son Of Ram Lakhan Mahto Resident Of Mohalla- Kanhauli, Goushala Road, Masjid Chowk, P.O.- Ramna, P.S.- Mithanpura, District-Muzaffarpur
6. Akhilesh Kumar Son Of Laxman Mahto Resident Of Mohalla- Kanhauli, Goushala Road, Masjid Chowk, P.O.- Ramna, P.S.- Mithanpura, District-Muzaffarpur
7. Smt. Neeta Sinha Wife Of Paras Nath Prasad Resident Of Rambagh Road, Mehta Compound, Aadarsh Marg, P.O.- Ramna, P.S.- Mithanpur, District- Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Shailesh Kumar, AC to GP 5
For the Accountant General	:	Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 08-03-2018

Nobody appears on behalf of the petitioner. Learned counsel for the State and the Accountant General have assisted the Court.

2. The petitioner had moved the Court for the following reliefs:

"i). For issuance of an appropriate writ, order or direction in the nature of certiorari quashing the

memo no. 3311 dated 20.08.2013 (Annexure-4) to the petitioner).

ii). Issuance of an appropriate writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to pay the amounts of all the retiral benefits of Late Shankar Mahto to his adopted son Arun Kumar, the petitioner.

iii). Issuance of writ, order or direction to the respondent authorities to pay the petitioner interest on all the amounts of retiral benefits at the rate of 12 percent per annum calculated on monthly basis.

iv). To any, other appropriate relief or reliefs to which the petitioner may be found entitled."

3. In essence, the petitioner claims to be the adopted son of late Shankar Mahto and, thus, claims payment of the remaining retiral dues of Shankar Mahto, who died while working as Peon in the office of the Divisional Commissioner, Tirhut Divsion, Muzaffarpur.

4. Learned counsel for the State submitted that in the writ petition itself it has been accepted that there is no formal document relating to such adoption which is a mandatory requirement under the law, requiring a registered deed showing such adoption. It was further submitted that even the deceased employee had nowhere mentioned in any of his documents indicating that the petitioner was

his adopted son.

5. Having regard to the aforesaid, the writ petition stands dismissed both on merits and on account of non-prosecution.

(Ahsanuddin Amanullah, J)

Anjani/-

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