

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5212 of 2015

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Sheela Devi, Wife of Late Nawal Kishore Prasad (Ex-Lab Bearer, Zoology Department, Science College, Patna), resident of Musalpur Hat, Back of Middle School, Mahendru, P.S.- Pirbahore, Patna- 800006.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Bihar, Patna.
2. The Chancellor, Universities of Bihar(Patna University, Patna).
3. The Vice Chancellor, Patna University, Patna.
4. The Registrar, Patna University, Patna.
5. The Finance Officer, Patna University, Patna.
6. The Principal, Science College, Patna University, Patna.
7. The Account Officer, Science College, Patna University, Patna.
8. Aruni Devi, alleged second wife of Late Nawal Kishore Prasad (Ex-Lab Bearer, Zoology Department, Science College, Patna) Resident of Sheopur Tikia Tola, P.O.- Mahendru, P.S.- Sultanganj, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Advocate
For the State	:	Mr. Md. N. H. Khan, SC 1 with Ms. Babita Kumari, AC to SC 1
For the University	:	Mr. Digvijay Singh with Mr. B. J. Jha, Advocates
For the Respondent No. 8	:	Mr. R. S. Pradhan, Sr. Advocate with Mr. Jainendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 28-06-2018

Heard learned counsel for the petitioner; State; Patna University and respondent no. 8.

2. The petitioner has moved the Court for the following



reliefs:

“ I. Issuance of writ or writ in the nature of certiorari quashing the order dt. 26.04.2014 (Annexure-14) passed by Vice Chancellor, Patna University whereby and whereunder the Vice Chancellor has arbitrarily and in a mechanical manner rejected the claim of the petitioner although the records and evidences clearly indicates that the petitioner is first legally wedded wife of Late Nawal Kishore Prasad and hence the order passed by the Vice Chancellor is bad in law.

II. Issuance of writ for declaration that the petitioner is first legally wedded wife of Late Nawal Kishore Prasad and hence the respondents may be commanded to pay family pension, gratuity, leave encashment, provident fund and G.S.S. to the petitioner who is first legally wedded wife on account of the death of the husband of the petitioner who was a working as Lab Bearer in the Zoology Department of Science College, Patna, Bihar.

III. Issuance of order/direction to pay the entire family pension since 2011 as well as salary if any due to the husband of petitioner.

IV. Issuance of order/direction to pay all other consequential benefits for which the petitioner is entitled on account of death of his husband.

V. Issuance of such other order/orders, direction/direction, relief/reliefs to which the petitioner may found entitled to be passed as your Lordship may deem fit and proper.”



3. The dispute is between the two wives of late Nawal Kishore Prasad, who died in harness working as Lab Bearer, Zoology Department, Science College, Patna. The petitioner claims to be the only legally wedded wife of the deceased employee whereas the respondent no. 8 claims that she is the first wife. The matter has been bitterly contested between the parties earlier also and even in the present writ petition. The Court had attempted for reconciliation between the parties and the matter was accordingly referred to the Lok Adalat also but no compromise could fructify due to non-appearance of the respondent no. 8. Today, learned counsel for the respondent no. 8, upon taking instructions from the son of the respondent no. 8, namely Mr. Rajeev Deogan, who was present in Court, submitted that they were agreeable to a compromise under which the appointment on compassionate ground be given to the son of the respondent no. 8 and all death-cum-retiral benefits be taken by the petitioner.

4. On such categorical stand taken before the Court in the presence of the son of respondent no. 8, learned counsel for the petitioner also took a categorical stand that he is agreeable to the same.

5. As a fair stand has been taken on behalf of the respondent no. 8 that her branch of the family shall not be claiming any death-cum-retiral benefits of late Nawal Kishore Prasad, Ex-Lab



Bearer, Zoology Department, Science College, Patna, the Court deems it appropriate that the due to her side of the family, i.e., appointment on compassionate ground to her son should also be taken note of and direction issued to the authorities.

6. Accordingly, the writ petition stands disposed off with a direction to the Registrar of Patna University to ensure that all death-cum-retiral benefits, including family pension, of late Nawal Kishore Prasad are paid to the petitioner within six weeks from the date of production of a copy of this order. Similarly, a direction is also issued to the Registrar, Patna University to ensure appointment on compassionate ground to Mr. Rajeev Deogan, son of late Nawal Kishore Prasad and respondent no. 8, within six weeks from the date of production of a copy of this order and upon him completing all formalities relating to proper application etc.

7. The Court records that the order has been passed on the basis of compromise suggested by the parties themselves and on which this Court has merely put a seal of approval. The Court also indicates that the respondent authorities shall ensure compliance of the order within the timeframe fixed by the Court.

(Ahsanuddin Amanullah, J)

Anjani/-

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