

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9788 of 2018

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Md. Anish @ Anish Miyan, S/o-Riyaz Miyan, R/o- Manjhauli, Nimchak
Bathani, Saren, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer, Gaya.
5. The District Program Officer, Gaya.
6. The Director Provident Fund, Government of Bihar, Pant Bhawan, Patna.
7. The District Provident Fund Officer, Gaya.
8. The Principal Project Girls High School, Tetua, Atri, Gaya.
9. The Treasury Officer, Gaya.
10. The Accountant General (A&E), Bihar, Mahalekhakar Bhawan, Birchand
Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manisha Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar- Gp17

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State .

Interlocutory Application No. 5140 of 2018 has been
filed by the daughter of the petitioner Shabnam Begum as
intervenor respondent stating therein that her mother died in
harness on 10.02.2017 by serving as Class IV employee in
Project Girls High School, Tetua, Atri.

It has been submitted that the petitioner claims to be
husband of the late employee, who is the mother of the
intervenor-respondent. It is stated that way back in 1991 the



petitioner had taken Divorce from her mother and she has been nominated alongwith her sister Gulshan Khatoon in the G.P.F. nomination documents. It is further submitted that the petitioner has married again and there are children from his second wife as such the claim of the petitioner is not tenable.

Considering the nature of prayer made in the Interlocutory Application, the same is allowed.

The wife of the petitioner died while in service as Class -IV employee of Project School, Tetua, Atri, Gaya claims family pension, Group Insurance amount, Gratuity, Provident fund and other post retiral terminal benefits of his wife, which is seriously disputed by the intervenor- respondent. The dispute regarding entitlement of the petitioner and intervenor can not be decided by this court as it can be decided by a Court of Competent jurisdiction.

This application is disposed of with a liberty to the petitioner to approach the Court of competent jurisdiction for an appropriate decision regarding the claim of the petitioner.

(Nilu Agrawal, J)

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