

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15477 of 2018

Chanchal Kumari @ Chunni, D/o Late Ashok Prasad, (adopted D/o Lae Nirmala Kumari), resident of Mohalla Krishnapuri, P.S. Town, district Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Director, Higher Education, Bihar, Patna
4. District Education Officer, Begusarai
5. The Treasury Officer, Begusarai
6. The District Provident Officer, Begusarai
7. The Accountant General (A&E), Birchand Patel Path, Patna, Bihar
8. The Principal, B.P. Inter College, Begusarai, P.O. + P.S. + District Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Rajesh Kr. Sinha, AC to GP-23
For the AG	:	Mr. Prushottam Jha, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-04-2019 Heard learned counsel for the petitioner and learned counsels appearing on behalf of the State and the Accountant General, Bihar, Patna.

2. Petitioner claims death cum retiral benefit of Late Nirmala Kumari, who died in harness on 01.04.2014 while she was working as Assistant Teacher in B.P. Inter College, Begusarai, stating that she is the adopted daughter of the late employee from 1999 at four years of age.

3. Learned counsel for the State has filed a counter affidavit sating therein that no adoption paper has been



produced and the husband Sunil Kumar is still alive who has not claimed any retiral benefits.

4. Learned counsel for the petitioner submits that due to strained relation between the late employee and her husband they were living separately and the petitioner was the adopted daughter for the last 15 years. He submits that a succession case being Case No. 12 of 2014 is pending before the learned Sub-Judge-I, Begusarai. The late employee had also opened a joint bank account in the State Bank of India being A/c No. 11082139967 with the petitioner during her lifetime and even in the L.I.C. papers she has been made a nominee.

5. However, considering the crux of the matter, let petitioner pursue her succession case being Succession Case No. 12 of 2014 pending before the learned Sub-Judge-I, Begusarai and pursue her claim after she obtains the succession certificate from the said court.

6. Writ application stands disposed of.

7. Since the succession case is of the year 2014, it is expected that the same would be decided by the learned court below expeditiously.

(Nilu Agrawal, J)

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