

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 23929 of 2019

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Sunita Devi, (Female), aged about 50 years, Wife of Late Ramchandra Tiwari,
Resident of Village- Dhanauji, Police Station- Pakri Dayal, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Education, Government of Bihar, Patna.
2. The District Magistrate, East Champaran.
3. The District Education Officer, East Champaran.
4. The Accountant General (A & E), Bihar, Patna.
5. The Treasury Officer, East Champaran (Motihari).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rahul Nath, Advocate
For the Accountant General	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Kumar Kamalnayan, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-12-2019

Heard learned counsel for the petitioner; learned AC to SC 28 for the State and learned counsel for the Accountant General.

2. Learned counsel for the petitioner is permitted to make correction in the description of respondents no. 3 and 5. Let the same be done during the course of the day.



3. The petitioner has moved the Court for the following relief:

“That this is an application for issuance of an appropriate writ and/or order and/or direction commanding the respondents to include the name of petitioner in P.P.O. no. 324108 of Late Ramchandra Tiwari and sanction the family pension in the name of the petitioner. The petitioner is second wife of Late Ramchandra Tiwari.

In alternative to above, the family pension be sanctioned in the name of the minor children of the petitioner.”

4. Admittedly, the petitioner is the second wife of the deceased employee and marriage had taken place without seeking permission of the authorities concerned. Upon the death of the first wife, the petitioner being the second wife, had moved the authorities and now the Court, for grant of family pension to her.

5. Learned counsel for the State submitted that death occurred in the year 2005, when the policy of the State Government dated 06.09.1996 was in operation, which did not permit family pension to the second wife.

6. Learned counsel for the petitioner submitted that he has filed a representation before the respondent no. 3 on 06.09.2019, which is still pending.

7. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the respondent no. 3 to pass a



speaking order on the representation filed by the petitioner, if already not done, within one month from the date of production of a copy of this order before him.

(Ahsanuddin Amanullah, J.)

P. Kumar

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