

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.262 of 2019

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Budho Devi Wife of Sri Mohananand Jha, Resident of Village- Chaitanja
Nath Jaiware Path, Deoghar Town, P.S.- Deoghar Town, District- Deoghar
Jharkhand.

... .. Petitioner/s

Versus

1. The Kendriya Vidyalaya Sangathan, Through Its Divisional Commissioner,
Lohiya Nagar, Kankarbagh, Patna-23.
2. The Divisional Commissioner, Kendriya Vidyalaya Sangathan, Lohiya
Nagar, Kankarbagh, Patna- 23.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Lohiya Nagar,
Kankarbagh, Patna- 23.
4. The Principal Kendriya Vidyalaya Sangathan, Lohiya Nagar, Kankarbagh,
Patna- 23.
5. Swet Nisha, Wife of Late Hridayanand Jha and daughter of Sudhakar
Mishra, at present residing Bilasi Town, Near Baijnath Cinema Hall, Hari
Narayan Mukharji Road, Deoghar, P.S. Deoghar Town, District- Deoghar,
Pin Code No. 814112.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

2 25-11-2019 In the instant application preferred under Article 226
of the Constitution of India, petitioner has prayed for the
following reliefs:-

(I) For quashing the order dated 19.09.2017 contained



in Annexure-3 of learned Central Administrative Tribunal, Patna Bench, Patna passed in O.A. No. 50/260/2017 by which and whereunder the learned Tribunal without hearing the counsel for the petitioner was pleased to dismiss the original application filed by the petitioner and without application of its judicial mind and without appreciating that the petitioner is the mother of the deceased employee and he has introduced the petitioner as sole nominee in his service book on 25.05.2011.

(ii) for further direction to grant of 50% of death cum retiral benefits to the petitioner so that the same may be divided half and half between herself and her husband as they are nominees to that extent in the service book of the deceased employee.

(iii) For any other relief/reliefs which the petitioner is entitled under law as well facts and circumstances of the case.

After some argument, learned counsel for the petitioner seeks leave to withdraw the present writ application in order to raise his claim before the competent Civil Court as observed in the order dated 19.09.2017 by the Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 50/260/2017.

Leave is granted.



This writ application is disposed of.

(Ashwani Kumar Singh, J.)

(Prakash Chandra Jaiswal, J.)

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