

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2438 of 2019

=====

Smt. Kumari Rashmi Sinha, age about 40 years (Female), Wife of Satish Kumar, Daughter of Late Arvind Kumar, Resident of Village- Mirzapur, P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director (Administration) cum Additional Secretary Department of Education, Bihar, Patna.
3. The Director, Research and Training Department of Education, Bihar, Patna.
4. Smt. Rakhi Sinha, Wife of Sanjay Kumar, Daughter of Late Arvind Kumar, Resident of Village- Mahuari, P.S. Paliganj, District- Patna.
5. Smt. Babit Sinha, Wife of Subodh Kumar, Daughter of Late Arvind Kumar, Resident of Village- Bhadseri, P.S.- Kako, District- Jehanabad.
6. Smt. Kumari Khusboo Sinha, Wife of Shailendra Kumar, Daughter of Late Arvind Kumar, Resident of Village- Baijalpur, P.S.-Uphara, District- Aurangabad.
7. The Accountant General, Bihar, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Madanjeet Kumar, GP 20
For the Accountant General	:	Mr. Vivekanand Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 26-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Shivendra Prasad, learned counsel for the petitioner; Mr. Madanjeet Kumar, learned GP 20 for the State and Mr. Vivekanand Kumar, learned counsel for the Accountant General.

3. The petitioner has moved the Court for the



following reliefs:

“That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions to the respondent authorities to make payment of death benefits of the father of the petitioner who died in harness leaving behind him the petitioner and respondent No 4 to 6 on 02.04.2016 but his death benefits has yet not been paid therefore the petitioner prays for a direction to the respondent authorities to make payment of retiral/death benefits of her father to the extent of her share along with admissible interest. The petitioner further prays for any other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the present case.”

4. Learned counsel for the petitioner submitted that she is one of the four daughters of the deceased employee and, thus, has raised claim before the authorities for payment of 1/4th of the dues of her mother. It was submitted that in support of such claim she has also furnished the family certificate issued by the concerned Circle Officer.

5. Learned counsel for the State submitted that the authorities cannot rely only on the certificate issued by the Circle Officer, for the reason that in the service record of the mother of the petitioner, the name of only two daughters has been shown whereas, as per the petitioner herself, there are four daughters. Thus, the authorities have called upon the parties to furnish the Succession Certificate. It was submitted that the



other sisters of the petitioner have also raised claim before the authorities for payment and, thus, it is all the more incumbent upon the petitioner to furnish order of the Court in a Succession Case by producing Succession Certificate.

6. Faced with the situation, learned counsel for the petitioner submitted that since all the four sisters have approached the authorities for payment of their share, they shall file a succession case before the competent court for issuance of Succession Certificate in their favour.

7. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner, as well as the other claimants of the dues of the late mother of the petitioner, to approach the competent Court for issuance of Succession Certificate. Upon the same being produced by the parties before the concerned authorities, it shall be ensured that payment, in terms of the Succession Certificate so produced, shall be made to the parties concerned, latest within three months from the date of production of such Succession Certificate before the authority concerned.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

