

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10123 of 2019

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Bithika Prasad Divorcee Wife of Dr. Yogesh Sharan and Daughter of Late Dr. Brahmanand Prasad-28, Ram Bhawan, P.S.-Gandhi Maidan, New Dakbanglow Road and District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through its Secretary, Education Department, Bihar, Patna
2. Vice-Chancellor, Patna University, Patna.
3. The Registrar, Patna University, Patna.
4. Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Mohammed Abu Haidar, Advocate
For the State	:	Mr. AC to SC13
For the University	:	Mr. Rajendra Kr. Giri, Advocate
For Accountant General :		Mr. Raj Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 06-07-2020

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State, learned counsel appearing on behalf of the University as well as learned counsel for the Accountant General.

Despite indulgence granted by this Court vide order dated 16.06.2020, no counter affidavit has been filed either by the State or by the University.

Petitioner, who is 67 years old, has filed the present writ petition for a direction to the respondent University to grant family pension as she being a divorcee daughter of the deceased employee is entitled to benefit of family pension.



Since there is no counter affidavit on behalf of the State as well as the University, the writ petition is disposed of with a direction to the Registrar, Patna University, Patna as well as Director, Higher Education, Government of Bihar, Patna to take appropriate decision with regard to the claim of the petitioner being a divorcee daughter of the deceased employee in accordance with the relevant provisions under Bihar Pension Rules. The entire exercise for payment of all consequential benefits to the petitioner shall be completed by the respondent-Director, Higher Education, Government of Bihar, Patna and the Registrar, Patna University within a maximum period of three months from the date of receipt/production of a copy of this order, failing which the petitioner shall be entitled to interest at the rate of 9% per annum on all arrears of family pension, if admissible, from the date of filing of the writ petition i.e. 02.05.2019 till the date of actual payment.

With the aforesaid observation and direction, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.07.2020
Transmission Date	N.A.

