

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21997 of 2019

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Ram Swarth Acharya S/o Late Jay Kant Acharya R/o Village- Muraul, P.O.-
Muraul, P.S. Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. District Education Officer Sitamarhi.
4. The District Program Officer (Establishment), Sitamarhi.
5. The Treasury Officer, Sitamarhi.
6. Accountant General, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha
For the Respondent/s : Smt. Shilpa Singh (GA-12)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 03-02-2020 Heard learned counsel for the parties.

2. This writ petition has been filed seeking direction to the respondents to add name of Heera Devi in the family pension book so that she may become entitled to family pension after the petitioner's death. It is the petitioner's own case that during the life time of his first wife, Krit Mukhi Devi, he had married Heera Devi in 1971, which was, according to the petitioner, not objected to by the first wife. The petitioner retired while serving as an Assistant Teacher with effect from 31.08.2003. It is his case that his first wife died in the year 2014 and after her death, he wants name of his second wife to be entered into the pension book so that she may get family pension after the petitioner's death.

3. A counter affidavit has been filed on behalf of the



Respondents-State of Bihar and while denying the petitioner's claim, reliance has been placed on Memo No- P.C.1-Misc-41/92/10059/vi, dated 06.09.1996 to contend that second wife of the petitioner cannot be held to be entitled to family pension, who according to the petitioner himself was married to the petitioner during the life time of the first wife.

4. Learned counsel appearing on behalf of the petitioner has attempted to convince this Court that because the first marriage was solemnized before the petitioner entered into service, the second wife cannot be denied benefits of family pension. In my opinion, the alleged second marriage of the petitioner with Heera Devi during the life time of his first wife was *void abnatio*. Possibly, had it been known to the appropriate authority that he had solemnized second marriage during the life time of his first wife, he would have been held ineligible for his appointment in Government service. The relief which the petitioner is seeking, is absolutely baseless.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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