

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3158 of 2019

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Ramayan Ram Son of Late Gharbharan Ram Resident of Village-Gopalpur
Vriti Tola, Police Station-Hussainganj, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Primary Education, Education Department, Govt. of Bihar
Patna
3. The District Magistrate Siwan
4. The District Education Officer, Siwan
5. The District Programme Officer (Establishment), Siwan
6. The District Provident Fund Officer, Siwan
7. The District Treasury Officer Siwan
8. The Block Education Officer, Siwan Sadar, District- Siwan
9. The Headmaster Cum Drawing and Disbursing Officer, Abhyasarth Middle
School, Siwan, Block-Siwan Sadar, District-Siwan
10. The Accountant General, Bihar, Beerchand Patel Path, Patna
11. Manish Kumar Son of Late Ramsagar Ram Resident of Mauza- Bharouli,
Police Station- Ander, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv
For the Respondent/s : Mr.Jitendra Kr. Roy 1, S.C.-13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-02-2021

Heard the parties.

2. Petitioner has brought this writ application for retiral
benefits accruing to late Kamla Devi who was wife of petitioner.
Kamla Devi was appointed as Assistant Teacher on 05.04.1975 on
a vacant and sanctioned post. Thereafter, she got financial



promotion in pursuance of her subsequent qualifications. During service she died on 20.03.2013.

3. In the counter affidavit, the respondents have stated that the service record of Kamla Devi would reveal that she had not nominated anyone. In absence of nomination, only those persons would be entitled to retiral benefits of the deceased, who produces succession certificate. In this case besides the petitioner, one Manish Kumar respondent No.11 claimed that he is adopted son of Kamla Devi and put his claim before the department in respect of retiral dues of late Kamla Devi. The present application against respondent No.11 has already been dismissed for default.

4. By filing supplementary affidavit, the petitioner has produced death certificate of Kamla Devi wherein name of her father Late Harakh Ram is mentioned and not the name of petitioner as her husband though the column provides for entry of name of father/husband. The petitioner has further produced ex parte judgment dated 16.01.2016 passed in T.Suit No.534 of 2014 whereby the adoption deed said to be executed by Kamla Devi adopting respondent No.11 was declared as not valid.

5. In view of the aforesaid disputed question of competency of succession, this Court cannot entertain the prayer of the petitioner at this stage. Hence, this writ application stands



disposed off with liberty to the petitioner to obtain succession certificate and make representation before the authorities, according to law.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2021
Transmission Date	

