

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.296 of 2020

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Punam Kumari @ Punam Devi wife of Late Ashok Kumar, resident of Mohalla- Magadh Colony, Basti Chandauti More, P.S. Chandauti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Education, Bihar, Patna.
2. The Secretary, Department of Education, Govt. of Bihar, patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The Collector/ District Magistrate, District- Gaya.
5. The Regional Deputy Director of Education, Gaya, District- Gaya.
6. The District Education Officer, district- Gaya.
7. The Prakhhand Education Officer, Sherghati, District- Gaya.
8. The District Provident Fund Officer, District- Gaya.
9. The Treasury Officer, District- Gaya.
10. The Accountant General (A and E), Birchand Patel Marg, Patna.
11. Rani Kumari @ Rani Devi daughter of late Arjun Rajak resident of East Plant Basti, P.O.- Verna Mines Jamshedpur, Tata Nagar Singhum, Jharkhand State.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6587 of 2020

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Dhajju Rajak Son of Late Karu Rajak, resident of village- Cheratidih, P.s.- Sherghaty, District- Gaya, at present resident of Magadh Colony, Road no. 1, P.s.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Gaya
4. The District Education Officer, Gaya
5. The District Programme Officer, (Establishment) Gaya
6. The Block Education Officer, Sherghaty (Gaya)
7. The Accountant General Bihar, patna
8. Kumari Shanti Priya D/o Dhajju Rajak resident of Village- Cherakadih, P.s.- Sherghaty, District- Gaya at present resident of Magadh Colony, Road No. 1,



P.s.- Chandauti, District- Gaya

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 296 of 2020)

For the Petitioner/s : Mr.Virendra Prasad, Adv.

For the State : Mrs. Binita Singh, SC-28

Mr. Vivek Anand Amritesh, AC to SC-28

For the Accountant General : Mr. S.M. Chtesham, Adv.

(In Civil Writ Jurisdiction Case No. 6587 of 2020)

For the Petitioner/s : Mr.Tapeshwar Sharma, Adv.

For the State : Mr. Madhukar Mishra, AC to SC-16

For the Respondent No. 8 : Mr. Virendra Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 22-06-2022 The first writ petition has been filed by the widow of the deceased employee, namely, Ashok Kumar, who joined as Assistant School Teacher at Rajkiya Middle School, Dangra (Mohanpur), District-Gaya on 17.9.94 and died on 24.7.2012. While the petitioner of the first case is stated to be the wife of the deceased, namely, Ashok Kumar, the petitioner of the second is stated to be the father of the deceased employee, namely, Ashok Kumar.

It appears that a dispute has been raised to the effect that the petitioner of the first case is not the legally wedded wife of the deceased employee and instead, the private respondent no. 11, namely, Rani Kumar @ Rani Devi is the legally



wedded wife of the deceased employee.

As far as the petitioner of the second case is concerned, who is the father of the deceased employee, he will not have any precedence over the death-cum-retiral dues of the deceased employee qua the wife and children of the deceased employee, who would be entitled to the pensionary benefits, which is clear from the provisions contained in the Bihar Pension Rules.

Nonetheless, the learned counsel for the parties are in agreement that the present writ petition be disposed of with liberty to the petitioner of the first case and others, who are claiming to be legal heirs of the deceased employee to obtain succession certificate and then, approach the Respondent-State authorities for grant of death-cum-retiral benefits.

The learned counsel for the State also submits that in case, the legal heirs of the deceased employee approaches the Respondent-State after grant of a legal and a valid succession certificate, the death-cum-retiral dues would be



processed and paid immediately to the legal heirs entitled for the same.

Accordingly, the aforesaid two writ petitions stand disposed of on the aforesaid terms.

It is needless to state that during the interregnum period, no pensionary benefits shall be disbursed by the State authorities without receiving the legal and valid succession certificate to be obtained by the concerned legal heirs of the deceased employee.

(Mohit Kumar Shah, J)

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