

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1171 of 2018

In
Civil Writ Jurisdiction Case No.7714 of 2016

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Helal Ahmad Khan Son of Late Hadi Ali Khan, resident of Village-
Nagarbasti Bahadurganj, Police Station- Warisnagar, District- Samastipur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Accountant General, Bihar, Patna.
3. The Director General of Provident Fund, Pant Bhawan, Patna.
4. The Director Primary and Secondary Education, Bihar, Patna.
5. The District Magistrate, Samastipur.
6. The District Provident Fund Officer, Samastipur.
7. The District Education Officer, Samastipur.
8. The District Superintendent of Education Officer, Samastipur.
9. The Treasury Officer, Samastipur.
10. The Block Education Officer, Waris Nagar, District - Samastipur.
11. The Head Master, State Primary Urdu School, Begumpur, Waris Nagar,
District - Samastipur.
12. The Civil Suregon- cum- Chief Medical Officer, Patna. null null
13. The Superintendent of Police, Samastipur.
14. The Principal Secretary, Department of Health, Government of Bihar, Patna.
null null
15. The Director, Forensic Science Laboratory, Bihar, Patna.
16. Rehana Khatoon, Wife of Late Jamal Ahmed, Resident of Ward No. 2,
Village - Bahadurganj, Nueganj, Post - Samastipur, Police Station - Waris
Nagar, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raghiv Ahsan, Sr. Advocate Mr. Asif Kalim, Advocate Mr. Wasi Akhtar, Advocate
For the Respondent/s	:	Mr. Ram Vinay Pd. Singh @ Sanjay, AC to GAXII

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-09-2022



The appellant Helal Ahmad Khan who was respondent No. 12 in C.W.J.C No. 7714 of 2016, filed the present Letters Patent Appeal in the year 2018. During pendency of the present L.P.A., appellant has died on 11.11.2020. Thus, appellant's counsel has filed Interlocutory Application for substitution to the appellant.

I.A. No. 02 of 2021

Heard Interlocutory Application for substitution.

For the reasons stated in the application and affidavit, I.A. No. 02 of 2021 stands allowed.

I.A. No. 01 of 2022 do not survive.

Question for consideration in the present litigation is whether Rehana Khatoon alleged to be wife of late Jamal Ahmad or not? Further whether deceased Helal Ahmed Khan is entitled to monetary benefits on account of death of Jamal Ahmed or not? No doubt, in the service record deceased Jamal Ahmed has nominated Helal Ahmad Khan. At the same time, late Jamal Ahmed is stated to have married Rehana Khatoon and it is disputed by Helal Ahmad Khan. In this regard, civil suit is pending consideration



before the jurisdictional civil court. During pendency of the present Letters Patent Appeal, appellant Helal Ahmad Khan died on 11.11.2020, in the result, dead person cannot comply the order of the learned single Judge dated 24.07.2018 passed in C.W.J.C. No. 7714 of 2016. In order to implementation of the aforesaid order of the learned single Judge against legal heirs of Helal Ahmad Khan, the one and only remedy available to the State is to file civil suit against such of those legal heirs of Helal Ahmad Khan-appellant.

With the above observations the present L.P.A. stands disposed of.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Rakhi/ Shoaib

AFR/NAFR	
CAV DATE	
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