

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22067 of 2018

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Smt. Kamla Devi Wife of Sri Dina Nath Prasad, Resident of Mohalla- Sumati Path, Ranighat, Post Office- Mahendru, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Patna.
2. The Vice-Chancellor, Patna University, Patna- 800005.
3. The Registrar, Patna University, Patna- 800005.
4. The Finance Officer, Patna University, Patna- 800005.
5. The Principal Patna Science College, Patna University, Patna- 800005.
6. Binod Kumar @ Binod Ram, S/o Late Hazari Ram, R/o Vill, P.O. and P.S.- Bhagwanganj, Distt- Patna, Pin Code 804452.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamod Kumar Vidyarthi, Adv., Mr. Arvind Prasad Singh, Adv., Mr. Dinanath Prasad, Adv.
For the University	:	Mr. Nadim Seraj, Adv.
For the State	:	Mr. S.S. Tiwary, AC to AAG-13
For respondent no. 6	:	Mr. Manoj Kumar Singh, Adv., Mr. Santosh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 11-05-2023 Heard Mr. Kamod Kumar Vidyarthi, Mr. Arvind Prasad Singh and Mr. Dinanath Prasad, learned counsel appearing on behalf of the petitioner, Mr. S.S. Tiwary, learned counsel appearing on behalf of the State, Mr. Nadim Seraj, learned counsel appearing on behalf of the University and Mr. Manoj Kumar Singh and Mr. Santosh Kumar, learned counsel appearing on behalf of respondent no. 6.

2. Learned counsel appearing on behalf of the petitioner seeks to file representation before the Registrar of the Patna



University along with no objection certificate obtained by the other legal heirs of the deceased, original employee as well as the wife of the deceased employee.

3. The fact which has come in the present case for determination is that the deceased employee had married with Daulati Devi, first wife of the deceased employee and petitioner mother is Daimanti Devi @ Devanti Devi, second wife of the deceased employee. The daughter has no right as per circular of the State Government and the University. Accordingly, only dependent heirs are required to be given pensionary benefit.

4. The Registrar is required to test the claim on the basis of the circular and decide the claim of the petitioner whose name has been entered into the service book as nominee.

5. The entire exercise must be conducted within a period of six weeks from the date of filing of the representation by the petitioner.

6. The Registrar is required to adjudicate on the basis of the circular laid down by the Apex Court, applicable in the present case.

7. The writ petition stands disposed of.

(Purnendu Singh, J)

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