

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3900 of 2023**

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Smt. Leelawati Devi Wife of Sri Ram Chandra Singh, Resident of Village  
Balirampur, P.O. Kamarpur, P.S. Buxar, District Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Energy Department, Government of Bihar, Patna.
3. The General Manager cum Chief Engineer, Electric Supply Area (PESU),  
Patna (South Bihar Power Distribution Company Ltd.) Bidyut Bhawan,  
Patna.
4. The Superintending Engineer, Electric Supply Area, Ara (South Bihar Power  
Distribution Company Ltd.)
5. The Executive Engineer Electric Supply Sub- Division, Buxar (M) (South  
Bihar Power Distribution Company Ltd.).
6. Sri Ram Chandra Singh, Son of Late Ram Vakil Singh, Resident of Village-  
Balirampur, P.O. Kamarpur, P.S. Buxar, District Buxar.
7. Smt. Sonamati Devi, Wife of Sri Ram Chandra Singh (Second Wife)  
Resident of Village- Balirampur, P.O. Kamarpur, P.S. Buxar, District Buxar.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------------------------------|
| For the Petitioner/s | : | Mr. Manish Rai Sharma, Adv.,<br>Mr. Setu Prateek, Adv. |
| For the State        | : | Mr. Shiv Kumar, Adv.                                   |
| For BSPHCL           | : | Mr. Kunal Tiwary, Adv.                                 |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**

**ORAL JUDGMENT**

**Date : 25-07-2023**

Heard Mr. Manish Rai Sharma and Mr. Setu Prateek,  
learned counsels appearing on behalf of the petitioner, Mr. Shiv  
Kumar, learned counsel appearing on behalf of the State and Mr.  
Kunal Tiwary, learned counsel appearing on behalf of the  
BSPHCL.



2. Learned counsel appearing on behalf of the petitioner informs that the petitioner is the first wife of her husband, who has deserted her and the Family Court has dismissed the petition filed on behalf of the petitioner under Section 125 of the Cr.P.C. The petitioner is aggrieved by the illegal steps taken by her husband, who without seeking permission for getting re-marriage, while he was in service, from the competent authority has married with respondent no. 7 illegally, who is not his legally wedded wife, in absence of any divorce decree between the petitioner and respondent no. 6, the husband of the petitioner.

3. Learned counsel submitted further that the law is well settled that till the husband get divorce decree he cannot deny to maintain his legally wedded wife and in this regard has also relied on the Government circulars, as well as, the law laid down by the Hon'ble Apex Court has already decided the issue.

4. In above background the learned counsel appearing on behalf of the petitioner seeks to withdraw the present writ petition with liberty to file detail representation before the competent authority, who must not be prejudiced by the order dated 04.12.2019 contained in Annexure-3.

5. The petitioner if so advise, may file a detail representation before the Chairman-cum-Managing Director, Bihar



State Power Holding Company Limited, who will call for the service record relating to the husband of the petitioner, who has retired from the post of Electrician on 01.02.2023 and verify from the records relating to the husband of the petitioner and dispose of the representation of the petitioner in accordance with the Government circular as well as the law laid down by the Apex Court. The petitioner has made specific pleading that no divorce decree has been passed by the competent Family Court and on this ground has contended that the respondent no. 7 is not entitled for any pensionary benefit.

6. This Court finds that the writ petition is not maintainable considering the relief sought for in the present case. However, it is made clear that the representation of the petitioner must be considered by the competent authority in accordance with the prevailing Government circular and the law governing to entitlement of the petitioner in accordance with law. This Court is aware of the fact that the Power Holding Company Limited has statutory power and is also performing States function is under obligation to take care of the employees and their family. It is admitted that the husband of the petitioner has retired. The petitioner has prayed before this Court that she is not being taken care by her husband, who without obtaining divorce decree has



disowned her. The petitioner is being denied her basic need. The competent authority must not be prejudiced by the order dated 04.12.2019, contained in Annexure-3. The petitioner if so advise may challenge the order contained in Annexure-3 before the appropriate authority.

7. With the above observation and direction the writ petition stands disposed of.

**(Purnendu Singh, J)**

pravinkumar/-

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