

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9404 of 2021**

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Venesa Paul D/o Late Prabha Paul R/o-C/o Mala Paul, Gate No. 93, Opposite  
ITI Hostel, Banskothi, Digha, P.S. Digha, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Bihar, Patna.
2. The Principal Secretary, Higher Education Department, Bihar, Patna.
3. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Principal, Balmiki Raajniti Mahila College, Madhopur, Munger.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Awadhesh Kumar, Adv.        |
| For the State        | : | Mr. Rakesh Ranjan, AC to GP 20. |
| For the Respondent/s | : | Mr. Ashhar Mustafa, Adv.        |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      03-01-2023                      Heard Mr. Awadhesh Kumar, learned counsel for the  
  
petitioner and Mr. Ashhar Mustafa for the Tilka Manjhi  
  
Bhagalpur University, Bhagalpur.

The present writ application has been filed for the  
following reliefs :-

*(i) For directing the respondent authorities to make  
the entire payment of death-cum-retiral benefits of  
the petitioner's mother – Late Prabha Paul, who  
was posted as Lecturer, Chemistry Department,  
B.R.M. College, Madhopur, Munger, to the  
petitioner, who is the only living legal heir of her*

*mother Late Prabha Paul who died in harness on 09.09.2017.*

*(ii) For directing the respondent authorities to make the entire payments forthwith within a reasonable time to the petitioner as she is in deep financial lurch after the death of her mother and is not being able to manage the financial expenses of her education and is being taken care off by her aunt (Mausi).*

*(iii) For grant of any other relief/reliefs as may deem fit and proper in the light of the facts and circumstances of the case.*

Learned counsel for the petitioner submits that mother of petitioner was posted as Reader in Balmiki Rajniti Mahila College which is constituent unit of Tilka Manjhi Bhagalpur University. She died due to cardiac arrest on 09.09.2017. He submits that mother of petitioner was never married with any one but the birth of petitioner was taken place due to love and affectionate relationship between one Banshidhar Prasad with her mother. It has been submitted that with the span of time said Banshidhar Prasad started living separately and presently there is no trace of Banshidhar Prasad. He also submits that mother of

petitioner was promoted to the post of Reader w.e.f. from 10.02.1992 and died due to cardiac arrest on 09.09.2017. This fact was known to all, that there is no marriage between the mother of petitioner with said Banshidhar Prasad. In the service book, the mother of petitioner has mentioned the name of petitioner as nominee in column 7 for G.P.F. and column 9 for gratuity & family pension. She has disclosed the name of petitioner as her nominee in bank account. These two entries made in Annexure-5 & 6 are categorical indication and intention of the employee (petitioner's mother) that she was interested that her entire benefit relating to services be given to her daughter (the present petitioner).

Learned counsel for petitioner also submits that petitioner has not made any suppression and submitted all those documents before this Court, she has submitted her Aadhar Card, Voter I.D. card, pan card, school certificates and birth certificate.

Learned counsel for the petitioner submits that petitioner is a student and after death of her mother, filed a representation to provide retiral dues and family pension intimating that she is the only living successor/heir of her mother and, therefore, demanded the entire retiral benefits of her

mother in her favour.

Learned counsel for the University has filed counter affidavit and submits that it is true that petitioner is the only daughter and legal heir of her deceased mother but in the death certificate of her mother, her father name was mentioned as Banshidhar Prasad and only due to this reason, University is not inclined to make payment to the petitioner.

After going through the pleadings of the parties, this Court is of the view that admittedly the mother of petitioner was Lecturer and subsequently become Reader in the College and she consciously submitted the name of petitioner as nominee in her G.P.F., gratuity, family pension as well as in her saving account, these entries were made by the mother of petitioner herself in her own handwriting which indicates her intention.

In this view of the matter, I am of the view that petitioner is entitled to get the entire retiral dues in her favour.

The University namely Tilka Manjhi Bhagalpur University, Bhagalpur is directed to make payment to the petitioner towards the relief sought in the writ petition within 30 days from the date of passing of this order.

Petitioner is also directed to file an indemnity before the University for payments other than gratuity, G.P.F. &

pension, so that, in future no legal complication may arise.

With this direction, the writ application stands allowed.

**(Dr. Anshuman, J.)**

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