

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14082 of 2013

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Fahmida Khatoon W/O Md. Mustaqueem Khan, D/O Late Amir Hasan Khan
Resident Of Village - Sanaiya, P.S. - Ariari, District - Sheikhpura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Accountant General, Bihar ,Patna
3. The Director General Of Police, Bihar, Patna
4. The Superintendent Of Police, Patna, Bihar
5. The Superintendent Of Police, Nawadah
6. Md. Mustqueem Khan S/O Late Sultan Khan Resident Of Village - Nanaura,
P.S. - Nawadah, District - Nawadah, At Present Posted As A.S.I. At Rajauli
Police Station, P.S. - Rajauli, District - Nawadah
7. The Superintendent of Police, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Syed. Rizwanul Haque, Advocate
For the Respondent No.6:		Md. Anis Akhtar, Advocate
For the Accountant General:		Mr. Ram Kinkar Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-02-2023 The present writ petition has been filed for the
following reliefs:-

" That this is an application for
direction to the concerned respondent
authorities to make the retirement benefits
pension scheme and other benefits of the
respondent no.6 in the name of the petitioner
as a legal first wife of the respondent no.6 in
accordance with the Government Circular &
Service Code because the respondent no.6
will get retirement from his service in
January, 2014."



It is an admitted fact that the husband of the petitioner, i.e, the respondent no.6 is still alive, as such, the claim of the petitioner for appropriation of the pension of her surviving husband is not bolstered by any provision of law, however, it has been pointed out by the learned counsel for the respondent-State that the petitioner is already receiving maintenance in view of the order dated 04.12.2018 passed by the learned Court of Principal Judge, Family Court, Sheikhpura in Maintenance Case No.37(M) of 2017.

At this juncture, the learned counsel for the private respondent no.6 has pointed out that the respondent no.6 had filed a writ petition for payment of pensionary dues, wherein the petitioner was respondent no.5 and a co-ordinate Bench of this Court vide order dated 27.01.2015 passed in CWJC No.10537 of 2006 had directed that the petitioner shall not be granted any amount from the retiral dues and pension etc. however, she would be at liberty to file a fresh petition under the appropriate law for grant of maintenance.

In view of the aforesaid, learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other remedies as are otherwise available under the law for redressal of her



grievances.

Liberty so sought is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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