

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7946 of 2023

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1. D.S. Nandini W/o Samarkant Sinha Resident in the house of Dwarka Prasad Singh Situated at Village-Khankitta, P.S.-Sabaur, District-Bhagalpur.
 2. Shashank Anand Sinha Son of Samarkant Sinha Resides in the house of Dwarka Prasad Singh Situated at Village-Khankitta, P.S.-Sabaur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India through General Manager, Central Organization for Railway Electrification (CEE/CORE) Nawab Yusuf Road, Civil Lane, Allahabad.
2. The State of Bihar through the Principal Secretary, Home Department, Bihar at Patna.
3. The Dy. Chief Electrical Engineer (HQ), R.E. Danapur
4. The Senior Divisional Electrical Engineer, T.R.D., East Central Railway Dhanbad.
5. Senior Divisional Personnel Officer, East Central Railway, Dhanbad.
6. Samarkant Sinha S/o Sri Mahabir Prasad Singh Resident of Village Kajichak P.S.-Islampur, District-Nalanda. Retired from the Office of Section Engineer (TRD), Renukoot (RNQ)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Swapnil Kumar Singh, Advocate
For the U.O.I.	:	Additional Solicitor General
For the State	:	Mr. Nadim Seraj, GP-5.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-08-2023

Heard Mr. Swapnil Kumar Singh, learned counsel appearing on behalf of the petitioner; learned Additional Solicitor General for the Union of India and Mr. Nadim Seraj, learned counsel for the State.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner is legally wedded wife of Mr. Samarkant Sinha and in this regard, she has produced valid



marriage certificate before this Court issued under Section 13 of the Special Marriage Act.

3. Learned counsel appearing on behalf of the Union of India submits that the factum of marriage cannot be determined on the basis of the certificate issued under Special Marriage Act by the Registrar of the Marriage. The same can, at the best, be treated as evidence of marriage between the retired employee Mr. Samarkant Sinha and the petitioner namely D.S. Nandini.

4. The objection is sustainable, however, so far as entitlement of the petitioner is concerned, the petitioner has legal remedy before the competent Civil Court having jurisdiction for her entitlement to receive maintenance and all her civil rights even considering the fact that the retired employee Mr. Samarkant Sinha – respondent no.6 is having relationship outside the marriage with her.

5. This Court finds that the retired employee Mr. Samarkant Sinha – respondent no.6 must support his son financially in case he is not employed.

6. The son of the petitioner, if so advised, may file a representation in this regard before the concerned authority who will ensure to make the pensioner aware of the fact that he



cannot absolve of his parental duty.

7. With the above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

Mantreshwar/-
Minu/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.08.2023
Transmission Date	N.A.

