

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.720 of 2018

In
Civil Writ Jurisdiction Case No.10236 of 2016

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Shobha Prasad S/o Late Bishnu Deo Prasad, resident of F.C.L. Union Lane,
Purandarpur, P.S. Jakkanpur, District- Patna.

... .. Appellant/s

Versus

1. Bandana Sinha and Ors wife of Late Bishundeo Prasad, resident of House of Usha Jain Bihari Sao Compound, Karbigahiya, P.S. Jakkanpur, District- Patna.
2. The Magadh University through its Registrar, Bodh Gaya, Gaya.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Pro-vice Chancellor, Magadh University, Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Dean, Magadh University, Bodh Gaya.
7. The Principal, J.D. Women's College, Patna.
8. Shweta Prasad, D/o Late Bishnudeo Prasad & Smt. Shobha Prasad, wife of Amrendra Kumar, resident of House of Bishnudeo Prasad, Mithapur 'B' Area, D.N. Singh Lane, Purandarpur, P.S. Jakkanpur, District- Patna. Presently residing at House of Arjun Kumar, FCI Union Lane, Purandarpur, P.S. Jakkanpur, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anurag Saurav, Advocate
For the Magadh University : Mr. Siddhartha Prasad, Advocate
Mr. Sumit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)
Date : 21-03-2023

Heard learned counsels for the respective parties.

2. The appellant has assailed order of the Learned Single Judge dated 23.04.2018 passed in C.W.J.C. No. 10236 of 2016 along with Interlocutory Application No. 1387 of 2018. There is *prima facie* dispute as to who is the wife of late *Bishundeo Prasad* namely whether *Bandana Sinha* or *Shobha Prasad* and further



claim by *Shweta Prasad*, daughter of late *Bishundeo Prasad*. In this regard, there is a civil dispute and civil dispute is yet to attain finality.

3. That apart, from the University record it appears late *Bishundeo Prasad* has not nominated any person as his nominee. In other words, he has not nominated any nominee, therefore, unless the civil litigation among *Bandana Sinha*, *Shobha Prasad* and *Shweta Prasad* is decided, none of them can rightfully claim retiral dues or other family pension or any monetary benefits with reference to service rendered by late *Bishundeo Prasad* in the Magadh University.

4. In the event civil dispute is decided in favour of *Smt. Shobha Prasad*, *Smt. Shobha Prasad* is permitted to file fresh L.P.A. against order dated 23.04.2018 passed in C.W.J.C. No. 10236 of 2016 along with interlocutory application 1387 of 2018.

5. With the above observation, L.P.A. stands disposed of.

6. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
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