

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.526 of 2021

In
Civil Writ Jurisdiction Case No.12680 of 2019

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Roshan Kumar, aged about 28 years (M), S/o of Late Nand Lal Mishra
Resident of Village-Babhangama, P.O.-Benigir, P.S.-Mufassil, District-
Munger.

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Government of Bihar, Patna.
3. The Director Genral of Police, Government of BIhar, Old Secretary, Patna.
4. The Inspector General of Police, Rohtas Region.
5. The Deputy Inspector General of Police, Rohtas.
6. The Superintendent of Police, Rohtas.
7. The Accountant General, BIhar, Mahalekhakar Bhawan, R. Block, Patna
(Bihar).

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Singh, Advocate Mr. Vijay Kumar, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG 3

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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 : 24-01-2023

Heard learned counsels for the respective parties.

2. In the present appeal, appellant has assailed the order
of the learned Single Judge dated 17.06.2020 belatedly. In this
regard, I.A. No. 01 of 2022 for condonation of delay has been filed
to condone the delay. Even though sufficient cause has not been



shown, however, in the light of the Apex Court's decision in the case of **Mis. Application No. 21 of 2022 in Misc. Application no. 665 of 2021 in Suo Motu writ petition (c) no. 3 of 2020, IN RE: CONGINZANCE FOR EXTENTION OF LIMITATION** and the order of the learned single judge was during the Covid – 19 period, therefore, delay is condoned. Hence, I.A. No. 01 of 2022 stands allowed.

3. The appellant has assailed the order of the learned Single Judge dated 17.06.2020 passed in C.W.J.C. No. 12680 of 2019.

4. Core issue involved in the present *lis* is whether appellant – Roshan Kumar is entitled to certain retiral benefits or monetary benefits arising out of deceased late Nand Lal Mishra or not? It is undisputed that wife of late Nand Lal Mishra is also not alive. In this backdrop, Roshan Kumar is claiming that he is adopted child of deceased Nand Lal Mishra.

5. In the absence of adoption deed, claim of the appellant is that he is adopted child and he is trying to get the benefits through succession certificate issued by the learned Sub-Judge II, Munger. Basic need is that status of the appellant is to be adopted child of deceased late Nand Lal Mishra. Adoption deed is mandatory requirement. That apart, the appellant could not apprise



this Court that deceased late Nand Lal Mishra had furnished name of the appellant – Roshan Kumar while he was in service and to that extent there was an entry in the service records. In this backdrop, appellant - Roshan Kumar has not made out a case so as to interfere with the order of the learned Single Judge dated 17.06.2020 passed in C.W.J.C. No. 12680 of 2019.

6. Accordingly, L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2023
Transmission Date	NA

