

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12036 of 2023

Amrit Sharma S/o Late Shail Kumari Sinha, Wife of Late Shiv Bhajan Prasad Singh, Resident of Village Bagodar, P.S. and P.O.- Hisua through biological mother Shimpu Kumari, Female, aged about 38 years wife of Saytajeet Kumar, Male, aged about 45 years, S/o Kant Kumar Singh, Resident of Village Mohmmadpur, P.O and P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. Commissioner, Magadh Pramandal, Gaya, Government of Bihar.
4. District Magistrate, Gaya, District- Gaya.
5. In-charge Medical Primary Health Care Centre, Belaganj, District- Gaya.
6. Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vardaan Mangalam, Advocate Mr. Dinu Kumar, Advocate
For the State	:	Mr. Ravi Kumar, AC to GP-13
For the A.G.	:	Mr. Chaitanya Swaroop, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-09-2023

Heard Mr. Vardaan Mangalam, learned counsel appearing on behalf of the petitioner, Mr. Ravi Kumar, learned AC to learned GP-13 appearing on behalf of the State and Mr. Chaitanya Swaroop, learned counsel for the Accountant General, Bihar.

2. The relief(s) sought for by the petitioner in the present writ petition that petitioner is adopted son of the deceased employee, namely, Late Shail Kumari Sinha, who had died in harness on 24.07.2015 and petitioner being the adopted



son is entitled for death cum retiral benefits. From the pleading made in the writ petition, it appears that the petitioner has brought on record by way of 'Annexure-4' the order passed by the Director-in-Chief, Health Services, Bihar, Patna, in which it is stated that as the petitioner has not submitted any certificate in accordance with the Hindu Adoption and Maintenance Act, 1956, steps cannot be taken for considering the case for compassionate appointment and petitioner cannot take help of the said communication made by the Director-in-Chief for claiming death cum retiral benefits, which is payable in accordance with law. Petitioner has made a misconceived pleading in paragraph no. 8 of the writ petition and order/judgment or valid decree has been passed with respect to the claim of the petitioner that he is adopted son of the deceased employee, namely, Late Shail Kumari Sinha.

3. In case petitioner has obtained any decree of adoption with respect to his entitlement in accordance with Hindu Law and Customs, the petitioner may produce the same before the competent authority in support of his claim.

4. This Court is constrained to pass any order in exercise of power under Article 226 of the Constitution, however, the petitioner, if so advised, may file detailed



representation or can avail appropriate remedy to establish his claim that he is the adopted son of the deceased employee and, thereafter, claim the relief as sought for in the present writ petition.

5. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	20.09.2023
Transmission Date	N/A

