

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18544 of 2021

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Sunaina Devi W/o Late Uma Shankar Singh at present residence of Village/Mohalla Kashipuram Colony, Ravidas Mandir Seer Govardhanpur P.O. Daf, P.S. Seer, District - Vanaras, Utter Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary Human Resources Department Government of Bihar, Patna.
2. The Accountant General Government of Bihar, Patna.
3. The Vice Chancellor of the J.P. University, Saran at Chapra.
4. The Registrar, J.P. University, Saran at Chapra.
5. The Principal of R.B.G.R. Collage, Maharajganj, Siwan.
6. The Tresury Officer District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Adv., Ms. Rajani Kumari
For the State	:	Mr. Hitesh Suman, AC to SC-13
For the University	:	Mr. Ritesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 31-07-2023

Heard Mr. Vijay Kumar and Ms. Rajani Kumari, learned counsels appearing on behalf of the petitioner, Mr. Hitesh Suman, learned counsel appearing on behalf of the State and Mr. Ritesh Kumar, learned counsel appearing on behalf of the University.

2. Learned counsel appearing on behalf of the University submits that pension is not applicable in cases where



the marriage is void. The petitioner being second wife has claimed to be wife of the deceased employee. However, she has not been able to produce legal documents in support of her claim.

3. Considering the aforesaid submission made on behalf of the University, the petitioner, if so advise, may file a detail representation before the Registrar, bringing on record all the evidences in support of her claim that the petitioner being second wife of the deceased employee is the one who is required to be paid family pension after verifying from the record and by holding that the deceased employee had no relationship with any other woman. The Registrar, must ensure further to verify that any biological sons or daughters had born out of the wedlock with the petitioner and see that in case the deceased had relationship with one or more woman, in that case must ensure to distribute the retiral dues in equal among the biological sons and daughters of the deceased employee.

4. The factum of the claim of the petitioner with respect to her entitlement to receive family pension is required to be decided on the basis of records and evidences in light of the discussion made herein above within a period of six weeks from the date of communication of this order.



5. With the above observation and direction the writ
petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

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

