

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2664 of 2017

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Muslema Khatoon Wife of Late Asrarul Haque, Resident of Village- Sihipur,
Police Station- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Accountant General Bihar, Patna.
3. The District Programme Officer, Katihar.
4. The Block Education Extension Officer, Katihar.
5. The Bibi Nazama Khatoon, Wife of Late Asrarul Haque, resident of Village- Sihipur, Police Station- Azamnagar, District- Katihar,
6. The Principal Secretary, Education, Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Fahimuddin, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey, AAG-15
	:	Mr. Shashi Shekhar Tewary, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-11-2023

Heard Mr. Md. Fahimuddin, learned Counsel
appearing on behalf of the petitioner and Mr. Ashutosh Ranjan
Pandey, learned AAG-15 appearing on behalf of the
respondent/s.

2. The petitioner has filed the present writ petition
for the following relief/s:

“That, this is an application for issuance of writ of
Mandamus or an appropriate writ, order, orders direction
commanding the respondents to divide the family pension
half and half between two wives i.e. petitioner and private
respondent no.5.”

3. The law is well settled that in case of dispute

between two wives claiming themselves to be entitled for family pension, remedy for such claim is before the competent civil court having jurisdiction or they can even file a joint affidavit with respect to amicable settlement.

4. So far as, retiral benefits are concerned, which have not been paid to the deceased employee, the same is required to be distributed in equal shares among the biological sons and daughters of the deceased employee, who have taken birth from the first wife, as well as, second wife.

5. The above exercise is directed to be carried out by the concerned respondent within a period of six weeks from the date of communication of this order, in accordance with the government circulars.

6. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.11.2023
Transmission Date	NA