

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15084 of 2023**

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1. Zainab Akhtar alias Shaista Beghm, Female, age about 22 years, Daughter of Md. Firoz Akhtar
  2. Adeeba Fatima, Female, age about 18 years, Daughter of Late Md. Parwez Akhtar

Both petitioners are Resident of village and Post office Fathepur, Police station Zero Mile, Bhagalpur, Block- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resources Department, Government of Bihar, Patna.
2. The Tilkamanjhi University, through its Registrar, Bhagalpur.
3. The Vice-Chancellor, Tilkamanjhi University Bhagalpur.
4. The Registrar, Tilkamanjhi University Bhagalpur.
5. The Principal, Sundarwati Mahila College, Bhagalpur.
6. The Branch Manager, Punjab National Bank, Sundarwati Mahila College, Campus Branch, Bhagalpur.
7. The Accountant General, Accountant General Office, Birchand Patel Marg, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Murlidhar Mishra, Advocate      |
| For the State        | : | Mr.Madan Jeet Kumar ( Gp 20 )      |
|                      |   | Mr. Rakesh Ranjan, A.C. to G.P. 20 |
| For the AG, Bihar    | : | Mr. Binod Kumar Labh, Advocate     |
| For the Bank         | : | Mr. Mritunjay Kumar, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 06-11-2023**

Heard Mr. Murlidhar Mishra, learned counsel appearing on behalf of the petitioners; Mr. Madan Jeet Kumar, learned GP 20 along with Mr. Rakesh Ranjan, AC to GP 20, for the State; Mr. Binod Kumar Labh, learned counsel for the Accountant General and Mr. Mritunjay Kumar, learned counsel for the Punjab National Bank.

2. The present writ petition has been filed by the



petitioners, who have claimed themselves to be the nominees, nominated by the deceased employee, namely, Md. Qamrul Haque, who had died issue-less in harness on 05.12.2017, while posted as Assistant in Sundarwati Mahila College, Bhagalpur. The prayer is that they are entitled to receive retiral benefits under different heads, which the deceased employee was entitled for.

3. Learned counsel appearing on behalf of the respondents submits that the law relating to the right of a nominee is well settled by the Apex Court in the case of **Sarbati Devi and Anr. v. Smt. Usha Devi, reported in (1984)1 SCC 424**. He next submits that the adoption appears to have not taken in accordance with the Hindu Adoption Act, as no evidence with respect to the give and take by original parents of the petitioners has been refereed in any manner, nor such adoption has been confirmed by the competent civil court in accordance with law.

4. The relief, as prayed for in the present writ petition, with respect to the payment of retiral benefits can only be claimed by legal representative of the deceased employee in accordance with with law governing the heir in accordance with the Hindu Succession Act. The petitioners, being nominee, can only be treated to be custodian of the retiral benefits in view of



the law laid down by the Apex Court in **Sarbatī Devi** (supra).  
The pensionary benefit is required to be distributed in equal share among all the legal representatives of the deceased employee in accordance with Hindu Succession Act.

5. This Court will not go into the question of entitlement of the petitioners whether the adoption is in accordance with law for which they have remedy before the competent civil court for seeking declaration to be the adopted children of the deceased employee.

6. With the aforesaid observations, the writ petition stands disposed of.

**(Purnendu Singh, J)**

Sanjay/-

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| AFR/NAFR          | NAFR       |
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