

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14092 of 2021

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Pushpa Kumari @ Puspa Devi Wife of Late Ramanand Pandey, Resident of
Village- Chhawani Mohalla, Ward No.9, P.S.- Bhabua, P.O. Bhabua, District-
Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through Secreary of Home Department, Bihar at Patna.
2. The Chief Secretary of Education Department, Bihar, at Patna.
3. The District Magistrate, Kaimur at Bhabua.
4. The District Education Officer, Kaimur at Bhabua.
5. The District Program Officer, Kaimur at Bhabua.
6. Shail Kumari, W/o Late Ramanand Pandey, R/o Village- Hasanpura, P.S.-
Belon, P.O.- Khaira, District- Kaimur at Bhabua, PIN 821101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4
For the Respondent No.6:		Mr. Rajiv Nayan Singh, Advocate
		Mr. Murlidhar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-01-2024 Heard Mr. Rajani Kant Pandey, learned counsel for

the petitioner and Mr. Manish Kumar, learned Government

Pleader No. 4 on behalf of the State. Mr. Murlidhar Mishra also

represents on behalf of private respondent no. 6.

2. The petitioner claims herself to be second wife of
the Late Ramanand Pandey who was working as Assistant
Teacher and died during the period of service, has filed the writ
petition seeking a direction to ensure payment of all the retiral
benefits of her late husband alongwith other admissible dues.

3. Though earlier the matter was taken up and a



direction has been given to ensure filing of the counter affidavit. However, today when the matter is taken up, Mr. Manish Kumar, learned counsel for the State has taken this Court to the pleadings of the writ petition and referring thereto he submits that there is no material fundamental facts as to where the husband of the petitioner was working and when he died nor any relevant documents has been placed on record.

4. In absence of the material facts he submits at the Bar that no relief could be allowed to the petitioner.

5. At this juncture learned counsel for the respondent no. 6 further submitted that earlier when the first wife of the petitioner namely Shail Kumari Devi had approached this Court for grant of all the terminal dues by filing C.W.J.C. No. 18675 of 2011 the petitioner and her daughter filed interlocutory application bearing I.A. No. 1634 of 2012 and further I.A. No. 944 of 2015, where this Court after having given proper opportunity of hearing, rejected their claim.

6. However vide order dated 07.12.2015, passed in connection to the interlocutory application no. 944 of 2015, liberty was given to the daughter of the erstwhile employee to get an order from the Civil Court of competent jurisdiction with regard to her status vis-a-vis the deceased employee and to



approach the concerned authority for getting a share of the benefit in accordance with the order of the Court concerned.

7. Considering the submissions advanced on behalf of the learned counsel for the respective parties, this Court does not find any merit in the present writ petition as the claim of the petitioner had already rejected earlier.

8. At this stage, learned counsel learned counsel for the petitioner seeks permission to withdraw the present writ petition with a liberty to file an appropriate representation before the respondent no. 4.

9. Needless to observe that in case such a representation is filed within a period of 4 weeks from today, the concerned respondent shall consider the claim of the petitioner and dispose of the same in accordance with law.

(Harish Kumar, J)

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