

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17644 of 2016

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Rita Devi wife of Late Sharda Ranjan Prasad Advocate, Bar Association,
Danapur, resident of Village- Nasir Chak Sarari, Police Station- Shahpur,
District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Secretary, the Bihar State Advocates Welfare Trustee Committee, Bihar
Bar Council Bhawan, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Advocate Mr. Shankar Kumar, Advocates Mr. Radha Krishna, Advocate
For the Respondent/s	:	Mr. Prem Kumar Jha, Advocate Mr. Rajesh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-12-2025 Heard Mr. Ramchandra Singh, learned counsel for the

petitioner and Mr. Prem Kumar Jha, learned counsel

representing the Bihar State Advocates Welfare Trustee

Committee (for brevity 'the Committee').

2. The present petition has been preferred for the
following relief(s):

*“(i) to set aside the impugned order /
letter no. 204 of 2015 dated 29. 01. 2015 with all
consequential benefit (as contained annexure -5 in
this writ petition) issued by the Secretary, Bihar
Advocates Welfare Trustee Committee, Bihar Bar
Council Bhawan, Patna whereby by the death*



claim application of the petitioner has been refused on the wrong calculation of within one year membership.

(ii) any other immediate reliefs may be allowed for which petitioner is duly entitled for the end of Justice.”

3. The matter relates to unfortunate death of a lawyer namely, Sharda Ranjan Prasad who was practicing at Danapur Civil Court and became member of the Bar Association on 11.12.2013 and breathe his last on 24.10.2014.

4. The widow (the petitioner herein) thereafter preferred an application for Death Claim Benefit before ‘the Committee’. It came to be rejected on **29.01.2015** recording that he failed to complete one year of membership (Annexure-5 to the petition).

5. Aggrieved, the present case.

6. Though learned counsel for the petitioner submits that he being enrolled with the Bihar State Bar Council in the year 1999, the membership period should not have been counted rather his enrollment should have been taken into account while deciding the death claim benefit.

7. Mr. Jha on the other hand representing ‘the



Committee' has taken this Court to **Section 17A of the Bihar State Advocates Welfare Fund Act, 1983** (henceforth for short 'the Act') which read as follows:

“17A. Review of the decision of the Trustee committee. – (1) Any aggrieved Advocate-member of the Fund relating to his membership or payment of any claim, may prefer a review application against the order of Trustee Committee of the Fund passed under the provision of this Act and Rules made thereunder before the Trustee committee within the thirty days from the date of receipt/knowledge of such order:-

Provided that trustee committee, with reasonable and sufficient reasons, may condone the delay in preferring such review application

(2) the review application shall be precise and be accompanied by-

(a) the order to be reviewed, and

(b) a fees of five hundred rupees which shall not be refunded

(3) on such review application after being heard the decision of the Trustee committee



shall be final.”

8. He submits that instead of filing a review, straightaway, the writ petition was filed and unnecessary time was wasted.

9. Upon query of the Court regarding the pendency of such cases, both the learned counsel for the petitioner as also ‘the Committee’ acknowledge that huge pendency of the application are to be decided and ‘the Committee’ is taking steps for clearing all the backlogs.

10. This Court can only observe that the lawyers are vulnerable. They don’t get any aid either from the Government or the Association. If any unfortunate/untimely death takes place, the family definitely suffers. If even the minuscule help is extended by ‘the Committee’, it will be of great help for the family. However, if the applications remain pending in the office of ‘the Committee’; definitely the purpose for which it was created gets defeated.

11. ‘The Committee’ can take the help of young lawyers to form several sub-committees who can help in preparing the chart. Mr. Jha has undertaken to clear the backlogs.

12. So far as the present case is concerned, in view of



Section 17A of ‘the Act’, this Court expects that the petitioner will file a review application before ‘the Committee’ in next four weeks which shall be taken into account and to be decided on merit after condoning the delay, if any, as the writ petition was pending since the year 2016.

13. This Court would further expect from ‘the Committee’ to take up all such applications of the family members of the Lawyers who are no more on priority basis and see to it that the same is cleared by 31st of March, 2026. Those who have given their certificates that they have stopped practice and need benefit of ‘the Committee’; their cases be considered but only after the death claim cases are cleared by ‘the Committee’.

14. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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