

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13586 of 2022

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Anita Devi Wife of Late Akhileshwar Prasad Singh, Resident of Village -
Madhopur Chhata, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Govt. of Bihar, Patna.
2. The Additional Director General of Police Head Quarter, Bihar, Patna.
3. The Inspector General of Police, Saran, Chhapra.
4. The Deputy Inspector General of Police, Saran Range, Chhapra.
5. The Superintendent of Police, Saran at Chhapra.
6. The Accountant General, Bihar, Patna.
7. The Treasury Officer, Sheohar.
8. Ram Sanehi Devi, Wife of Late Akhileshwar Prasad Singh, Resident of
Village- Madhopur Chhata, P.S. - Tariyani, District- Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Anisur Rahman, Advocate
For the Respondent/s : Md. Nadim Seraj (Gp 5)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The instant writ application has been filed for the

following reliefs:-

*(i) For directing the respondents to pay 50%
family pension to the petitioner as the
husband of the petitioner died on 24.02.2015
working on the post of Sub-Inspector of
Police in Police Line, Chhapra in the
District of Saran.*

*(ii) For commanding the respondents to pay
arrears and current family pension to the
petitioners since 24.02.2015 on which the*



Government employee died.

(iii) For any other relief to which the petitioner is found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner is the second wife of Late Akhileshwar Prasad Singh, who was working as Sub-Inspector of Police at Police Line, Chhapra, Saran, and retired from service on 28.02.2011. The marriage of the deceased employee is said to have been performed during the subsistence of his first marriage. It is submitted that the deceased employee had obtained permission for the second marriage from the department and thereafter solemnized the marriage with the petitioner.

4. Learned counsel for the petitioner drew the attention of this Court to Annexure-2 of the writ application, which is the order passed by a coordinate Bench of this Court in CWJC No. 19229 of 2017. In that case, where permission was sought from the employer and the second marriage was performed, the authorities were directed to take appropriate steps concerning the second wife. The entire exercise was directed to be carried out strictly in terms of the Government Circular dated 27.06.2011.

5. On the other hand, learned counsel for the State



submits that he will be taking instructions in this case and file a parawise reply to the averments made in the instant writ application.

6. A counter affidavit has been filed on behalf of respondent no. 7, which neither controverts the statement made by the petitioner in para 5 of the writ application nor offers any counter version in the consolidated reply filed by the respondents. Consequently, the submission of the learned counsel for the State, seeking further instructions, is not accepted, as the respondents had the option to file a para-wise reply but chose not to do so.

7. Be that as it may, since there is a specific statement by the petitioner in para-5 of the writ petition, stating that permission was sought from the Department before contracting the second marriage by the deceased employee, these factual issues need to be examined by the authorities in light of the provisions as incorporated in the said Circular issued by the Department of Finance, vide letter dated 27.06.2011.

8. In view thereof, the petitioner is directed to submit a fresh representation before the respondent no.5, appending the judgments and materials on which the petitioner proposes to rely, along with a copy of this order. On submission of such



representation, the same shall be adjudicated by respondent no. 5 by passing a reasoned and speaking order within a period of three months from the date of filing such representation.

9. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Ajit Kumar, J)

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