

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18403 of 2022

Ramawati Devi Wife of Late Shiv Narayan Singh, Resident of Village-
Chotka Rajpur, P.S.- Simri, Dist.- Buxar, presently resided at Pragati Nagar,
Ward No.- 30, Post- Bhowara Ale, P.S.- Madhubani, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Madhubani.
4. The Accountant General, Bihar, Patna.
5. The Treasury Officer, Madhubani.
6. Shanti Devi, wife of Late Shiv Narayan Singh, Resident of Village- Chotka
Rajpur, P.O.- Rajpur, P.S. Simri, Dist. Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. A. K. Mishra, Advocate Mr. Dwivedy Surendra, Advocate Mr. Shivam, Adv Mr. Shashank Shekhar, Advocate
For the AG	:	Mr. R.K. Choubey, Advocate
For the State	:	Mr. Md. N. H Khan (Sc 1) Mr. Md. Irshad Khan, AC to SC-1
For Respondent No.3	:	Mr. Sunil Kr. Sinha, Sr. Advocate Mr. Tanay Bhasker, Advocate Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

12 26-09-2025

Re : I.A No. 02 of 2024

The present Interlocutory Application has been filed
for challenging the letter No.334 dated 29.11.2022 for seeking
quashing of the said decision of the Superintendent of Police,
which is addressed to the Office of Principal Advocate General,
Bihar, Patna.

2. I.A. No. 02 of 2024 is allowed and the relief sought
by the petitioner for seeking quashing of the said letter dated
29.11.2022 is, accordingly, considered as additional relief while
adjudicating grievances of the petitioner.



Re : C.W.J.C. No.18403 of 2022

Learned counsel for the petitioner, learned counsel for the Accountant General and learned counsel for the State are present.

2. Learned counsel for the petitioner submits that vide letter as contained in Memo No.P.C.-1 Misc. 41/92/10059 dated 06.09.1996 issued by the Finance Department, Government of Bihar, the children born out of the wedlock of second wife have been considered to be legitimate child, and are made entitled to pension till attainment of majority but the reasons which have been assigned in the impugned order dated 29.11.2022, as contained in Letter No.334, is unsustainable, in view of the legal pension and the object for protecting the rights of the minors, have not been duly considered by the Superintendent of Police, Madhubani, in letter and spirit.

3. Learned counsel for the petitioner next submits that the legitimacy of the children born out of the wedlock of the second wife, have been made entitled for pensionary benefits by holding their legitimacy, has been decided in the case of ***Rameshwari Devi v. The State of Bihar and Others*** reported in ***AIR 2000 SC 735***.

4. Learned counsel representing respondent No.6 does



not dispute the legal factual position.

5. At this stage, learned counsel for the respondent submits that in the light of the judgment rendered by the Hon'ble Apex Court in the case of *Rameshwari Devi (supra)* and as also the Government circular issued by the Department of Finance, Government of Bihar dated 06.09.1996, the case of the petitioner can be considered, for which appropriate directions can be issued.

6. Considering the aforesaid order passed by Superintendent of Police, as contained in Letter No.334 dated 29.11.2022, is hereby set aside and accordingly, Superintendent of Police (respondent No.3) is directed to issue sanction order with regard to the entitlement of the minor children born out of the wedlock of second wife and it is made clear that once entitlement is decided, the pension shall be calculated from the date of its entitlement. The entire exercise shall be carried out within a period of eight weeks looking to the financial crunch faced by the minor children.

7. Accordingly, the writ petition is disposed off.

(Ajit Kumar, J)

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