

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17224 of 2023

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Saira Bano Wife of Late Md Gheyas Nashter Resident of Matinagar (Hakka)
P.O- Baraidgah P.S-Amour, District-Purnia

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education Department, Govt. of Bihar, Patna.
3. The District Education Officer Purnia District-Purnia.
4. The District Program Officer (Establishment) District-Purnia.
5. The Accountant General (A and E), Bihar, Patna.
6. The Treasury Officer District-Purnia.
7. The Branch Manager of State Bank of India , Kasba Branch District-Purnia
8. Razia Nashter, First Wife of Late Md Gheyas Nashter, Resident of village-Matinagar (Hakka) P.O-Baraidgah P.S-Amour, District-Purnia

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate
For the Respondent/s : Mr. Prashant Pratap (GP-2)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

7 14-11-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

(i) For the issuance of writ in the nature of mandamus for directing the respondent no.- 05-07 namely Accountant General of Bihar, Treasury Officer Purnia & Bank Manager of SBI Branch-Kasba to pay the half (50%) family pension to the



petitioner and rest half family pension to the respondent no.-08 who is first wife according to L.P.A no.-1419 of 2013, allowed on 05.05.2017. Aforesaid L.P.A is exact similar to the case of petitioner.

(ii) It is further directed to pay the half family pension and other retiral dues to the petitioner being second wife of Late Govt. Employee who retired on 01.11.2017 and died on 04.09.2020. Accountant General, Bihar illegally given 100% family pension to first wife respondent no.- 08. According to Section-11 of Bihar Pension Rule, Provision of sharing equal benefit & pension to more than one wives. Polygamy is allowed in the Muslim Personnel Law.

(iii) To grant any other reliefs) to which the petitioner is found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that in view of the dispute of the similar kind having been adjudicated by Hon'ble Division Bench passed in L.P.A. No.1419 of 2013, ***Bina Ansari v. The State of Bihar and Others***, respondent No.4 was obliged to have adjudicated the claim of this petitioner by dividing the pension between the two contesting parties equally but for unexplained reasons, the order which was expected to have been passed in terms of the adjudication made in the aforesaid case, the same has not been done.

4. A counter affidavit has been filed on behalf of respondent No.4 which goes to show that this petitioner has never appeared and has sought the relief for which the instant



writ petition has been filed and the counsel representing the State submits that the petitioner may be directed to appear before the respondent No.4, the District Programme Officer (Establishment) Purnia, who would be obliged to take note of the judgment rendered in L.P.A. No.1419 of 2023 and pass necessary orders, deciding the claim of the petitioner.

5. Considering the stand of the parties, this Court is of the view that the petitioner may be directed to file detailed representation appending all supportive documents / materials before the respondent No.4 within a period of four weeks from today and on such submission, necessary orders shall be passed in terms of law laid down by the Hon'ble Division Bench in terms of L.P.A. No.1419 of 2023 within a period of eight weeks and the same shall be communicated to this petitioner within a period of six weeks thereafter.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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