

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3212 of 2024

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Shail Kumari D/o late Chanda Raut Resident of Village-Laxmipur Bari Tola,
P.O.-Dhamura P.S.-Sathi, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Cane Commission, Cane Development Department, Govt. of Bihar, Patna.
2. The Director, Cane Development Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Assistant Director, Cane Development Department, West Champara, Bettiah.
5. The Collector, West Champaran, Bettiah.
6. The Accountant General , Bihar.
7. The Senior Account Officer Accountant General Office Bihar Patna.
8. Joint Cane Commissioner Industry Department, Govt. of Bihar Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr .Rakesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr. Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

7 18-04-2026 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 granting family pension to the writ
petitions in pursuant resolution finance 2769/2018-
918 dated 25 October 2018 issue by finance
department, govt. of Bihar, Patna (Contained as
Annexure-3 to this writ petition)*

*ii. For granting family pension to the writ
petitioner, w.e.f. date of death of his mother
23.12.2009.*



iii. For grant of any other relief or reliefs in which the petitions is enlisted on the facts as well as law both.

3. Learned counsel for the petitioner submits that the petitioner was married at the age of nine years, and her marriage was solemnized with one Jitendra Kumar on 17.04.2000. Thereafter, she began residing with her husband from 01.03.2009. However, due to discord at her matrimonial home, the petitioner was compelled to seek dissolution of marriage by way of mutual consent. Accordingly, Divorce Case No.20 of 2022 was instituted before the Principal Judge, Family Court, West Champaran, Bettiah, and vide judgment and order dated 07.12.2022, a decree of divorce was granted, thereby dissolving the marriage between the petitioner, namely, Shail Kumari and her husband, namely, Jitendra Kumar.

4. It has next been submitted that, after dissolution of the marriage, in terms of the relevant resolution/circular issued by the Finance Department, Government of Bihar, bearing Resolution No.27 PKO-69/20180918 dated 25 October 2018, whereby provision has been made for grant of family pension to dependents daughters of government employees, who have been classified into three categories, namely, unmarried / divorced / widowed, and such family pension is admissible even upon



attaining the age of 25 years. It is the case of the petitioner that even prior to the dissolution of her marriage, she had no independent source of income or financial support and was wholly dependent upon her parents. Her mother died on 23.12.2009, and her father died on 06.12.1997 while in service, who was the sole breadwinner. Thereafter, finding no means of livelihood, the petitioner has been constrained to seek grant of family pension by filing an application / representation in reference to the Government Resolution bearing Resolution No. 27 PKO-69/20180918 dated 25 October 2018.

5. It has further been submitted that, without taking into consideration the judgment and decree of dissolution of marriage passed by the learned Principal Judge, Family Court, West Champaran, Bettiah, the authorities have arbitrarily rejected the claim of the petitioner vide Memo No.377 dated 08.02.2024, which is conflict with the applicable government circular and the provisions governing grant of family pension.

6. On the other hand, learned counsel for the State has raised serious objections to the petitioner's claim by referring to various documents appended to the writ petition, contending that at some point of time the petitioner is claiming to be a divorcee while at some places, she has claimed to be unmarried



and in such background, learned counsel for the State submits that the claim of the petitioner is not genuine.

7. This Court, upon consideration of the materials available on record, finds that the objections raised on behalf of the State is not sustainable in the view of the decree of divorce recorded by the competent court, being the learned Principal Judge, Family Court, West Champaran, Bettiah and once such issues have been duly considered and adjudicated by a Court of competent civil jurisdiction which has attained finality, and the grounds raised by the learned counsel for the State, is fit to be brushed aside.

8. In the aforesaid background, this Court finds that the order passed by the authorities rejecting the claim of the petitioner is not sustainable in the eyes of law and is, accordingly, set aside. However, this Court deems it appropriate to direct that the issue relating to the petitioner's claim for grant of family pension be reconsidered by the concerned authority, namely, the Office of the Cane Commissioner, who is directed to take a final decision in light of the judgment and decree passed in Divorce Case No. 20 of 2022 by the learned Principal Judge, Family Court, West Champaran.

9. The Cane Commissioner shall, however, be at



liberty to verify the decree of divorce from the court concerned, and upon finding the same to be true, shall be obliged to take steps in accordance with law within a period of eight weeks from the date of receipt/representation.

10. Accordingly, the writ petition stands disposed of. It shall, however, remain open to the authority to examine the documents in reference to the petitioner’s claim before passing any order and if the documents are found to be correct, then appropriate decision shall be recorded after verifying her *bona fide* within the time so allowed.

(Ajit Kumar, J)

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