

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.61 of 2025

In

Miscellaneous Jurisdiction Case No.1076 of 2024

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1. Zainab Akhtar @ Shaista Begam, Daughter of Md. Firoj Akhtar, Resident and Post Office Fatehpur, P.S.-Zeromile, Block-Sabour, District-Bhagalpur.
 2. Adeeba Fatima, Daughter of Late Md. Parwez Akhtar, Resident and Post Office Fatehpur, P.S.-Zeromile, Block-Sabour, District-Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Tilkamanjhi University through its Registrar, Bhagalpur.
3. The Vice-Chancellor, Tilkamanjhi University, Bhagalpur.
4. The Registrar, Tilkamanjhi University, Bhagalpur.
5. The Principal, Sundarwati Mahila College, Bhagalpur.
6. The Branch Manager, Punjab National Bank, Sundarwati Mahila College Campus, Branch Bhagalpur.
7. The Accountant General, Accountant General Office, Virchad Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Murlidhar Mishra, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13
For the P.N.B.	:	Mr. Mritunjay Kumar, Advocate
		Mr. Ram Ganesh, Advocate
For the A.G.	:	Mr. Binod Kumar Labh, Advocate
For the TMBU	:	Mr. Ashar Mustafa, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

9 09-02-2026 This Letters Patent Appeal has been filed by the appellants Zainab Akhtar @ Shaista Begam and Adeeba Fatima challenging the order dated 04.10.2024 passed by the learned Single Judge in M.J.C. No. 1076 of 2024 along with the order



dated 06.11.2023 passed in C.W.J.C. No.15084 of 2023.

The writ petition was filed by the appellants seeking
for the following relief(s):-

- “(I) To direct the Tilkamanjhi University/ Principal Sundarwati Mahila College to bring on record the original service book of the deceased employee namely Md. Qamrul Haque, who was working as Assistant in Account Section in Sunderwati Mahila College, Bhagalpur, who died on 05-12-2017 when he was in active service.*
- (II) To direct the respondent to make Post death benefit and other legal benefit for that the petitioners have been nominated by deceased employee in his service book, as learnt, and they are lawfully entitled for the same.*
- (III) To direct the Punjab National Bank Sundarwati Mahila College Branch to make Payment the balance amount of the deceased Md. Qamrul Haque lying in his salary account, being account no. 0048010100031761 to the petitioners as they are nominated by the deceased employee in his service book.*
- (IV) Any other relief(s) to which the petitioners may be deemed entitled to the facts and circumstances of the case.”*

2. The writ petition was initially disposed of vide
order dated 06.11.2023 and the following order was passed:-

*“Heard Mr. Murlidhar Mishra,
learned counsel appearing on behalf of the
petitioners; Mr. Madan Jeet Kumar, learned GP*



20 along with Mr. Rakesh Ranjan, AC to GP 20, for the State; Mr. Binod Kumar Labh, learned counsel for the Accountant General and Mr. Mritunjay Kumar, learned counsel for the Punjab National Bank.

2. The present writ petition has been filed by the petitioners, who have claimed themselves to be the nominees, nominated by the deceased employee, namely, Md. Qamrul Haque, who had died issue-less in harness on 05.12.2017, while posted as Assistant in Sundarwati Mahila College, Bhagalpur. The prayer is that they are entitled to receive retiral benefits under different heads, which the deceased employee was entitled for.

3. Learned counsel appearing on behalf of the respondents submits that the law relating to the right of a nominee is well settled by the Apex Court in the case of **Sarbati Devi and Anr. v. Smt. Usha Devi**, reported in (1984)1 SCC 424. He next submits that the adoption appears to have not taken in accordance with the Hindu Adoption Act, as no evidence with respect to the give and take by original parents of the petitioners has been refereed in any manner, nor such adoption has been confirmed by the competent civil court in accordance with law.

4. The relief, as prayed for in the present writ petition, with respect to the payment of reitiral benefits can only be claimed by legal representative of the deceased employee in accordance with with law governing the heir in accordance with the Hindu Succession Act. The petitioners, being nominee, can only be treated to be custodian of the retiral benefits in view of the law laid down by the Apex Court in **Sarbati Devi** (supra). The pensionary benefit is required to be distributed



in equal share among all the legal representatives of the deceased employee in accordance with Hindu Succession Act.

5. This Court will not go into the question of entitlement of the petitioners whether the adoption is in accordance with law for which they have remedy before the competent civil court for seeking declaration to be the adopted children of the deceased employee.

6. With the aforesaid observations, the writ petition stands disposed of.”

Thereafter, an application for modification was filed, which stood disposed of modifying the order dated 06.11.2023 passed in C.W.J.C. No. 15084 of 2023, which is impugned in the present Letters Patent Appeal.

3. Learned counsel for the Tilkamanjhi University, Bhagalpur has placed before us the Service Book of the deceased employee, which is Annexure-C to the counter affidavit which indicates that in Column No.7(b), which relates to Nomination for G.P.F. of the deceased employee, nomination has been made, but in Column No.9, which relates to D.C.R. gratuity and family pension, no nomination has been made. Learned counsel also placed Annexure-D, which is a letter dated 29.07.2025 addressed to three persons including the two appellants, out of which the third person Affreen Akhtar has died, to produce the Succession Certificate for passing



necessary order. The learned counsel submits that so far as the G.P.F. is concerned, in Paragraph No.6 of the Letters Patent Appeal it is specifically mentioned that the amount of provident fund account has been paid to the provident fund account nominee Md. Afreen Akhtar by the respondent bank as per the direction of this Court dated 10.01.2020 passed in C.W.J.C. No. 22087 of 2019.

4. Learned counsel for the University assures that once the Succession Certificate is produced before the University, there would be no difficulty in disbursing the pension and other entitlement amount as per the Succession Certificate.

5. In view of above submission made by the learned counsel for the University, learned counsel for the appellants seeks permission to withdraw the Letters Patent Appeal seeking liberty to approach the competent Civil Court for issuance of Succession Certificate.

6. It is made clear that we have not expressed any opinion on the merits regarding the entitlement as to who is to get the amount due of the deceased employee, and in view of the stand taken by the University, if the Succession Certificate is produced before the authorities, immediate steps shall be taken



for disbursement of the pensionary amount as well as other amount, as per the Succession Certificate.

7. Accordingly, the Letters Patent Appeal is disposed of as withdrawn.

8. Interlocutory Application(s), if any, shall stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

P.K.P./-

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