

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.483 of 2025**

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Vina Devi Wife of Late Raghunath Rai, Resident of Village- Diwantok, P.O.- Ratnakar, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Magistrate, District- Vaishali at Hajipur.
3. The District Education Officer, District- Vaishali at Hajipur.
4. The District Programme Officer (Establishment), District- Vaishali at Hajipur.
5. The District Service Grievance Redressal Officer, District- Vaishali at Hajipur.
6. The Treasury Officer, District- Vaishali at Hajipur.
7. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Anjani Kumar Jha, Adv.<br>Mr. V. S. Rajendra, Adv. |
| For the State        | : | Mr. Suman Kumar Jha, AC to AAG3                        |
| For the AG           | : | Ms. Nivedita Nirvikar, Sr. Adv.                        |

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

3      18-04-2026                      The writ petition has been filed for the following relief;

*“a) To quash order dated 31.08.2024 passed in Complaint No. 7170120062411307 by the Respondent No. 5 whereby and whereunder the claim of the family pension of the Petitioner has been rejected in a most arbitrary and illegal manner.*

*b) For a direction upon the*



*Respondent Authorities to sanction and make payment of family pension along with arrears to the of family pension, Petitioner, forthwith without any further delay.*

*c) To pass any other order/orders in shape of a consequential relief to which the Petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.”*

2. It is the case of the petitioner that she is the second wife of the deceased employee. The first wife had deserted the petitioner's husband, and thereafter, a second marriage was contracted. It is further submitted that in the pension papers and service records, the petitioner's name appears as a nominee and has also been shown as the wife of the deceased employee.

3. Counsel for the petitioner further submits that the application with regard to grant of pension was made before the respondent no.4 seeking disbursal of family pension at the earliest. However, the respondent authorities failed to take any steps to redress the grievance of the petitioner and sat tight over the matter.

4. Thereafter, the petitioner filed a complaint under the Bihar Government Servant Grievances Redressal Rules, 2019, bearing Complaint No. 7170120062411307, and, by referring to Annexure P/7 dated 31.08.2024, submits that



Respondent No. 5 has passed an order, although he is not the competent authority to address the issue, whereby the petitioner's claim has been rejected, contrary to the issues having been settled by the Hon'ble Apex Court in the case of ***Radha Devi Vs. Chief General Manager & Ors.*** passed on 26<sup>th</sup> July, 2024 in ***SLP (C) No. 2365 of 2022.***

5. On the other hand, counsel for the State does not dispute the factual position so far the jurisdiction of the authority, who is said to have passed the order contained in Annexure P/7. However, it has been submitted that appropriate directions may be issued to the District Education Officer to take final decision in respect of the claim of the petitioner by framing a time line.

6. Considering the aforesaid, this Court finds it appropriate to set aside the order dated 31.08.2024, which is said to have been passed by the District Service Grievance Redressal Officer. However the petitioner is directed to file a fresh representation before the District Education Officer, Vaishali at Hajipur with all supportive materials and, as also, the judgments, which he proposes to rely within a period of four weeks from today.

It is expected that, after verification, the petitioner's



claim with reference to the nomination made in the pension papers, as well as her status as the wife of the deceased employee, shall be adjudicated within a period of eight weeks from the date of filing of the representation. Needless to say, if the first wife is surviving or any surviving interest is required to be adjusted, necessary orders shall be passed with regard to the petitioner's entitlement for the grant of appropriate pensionary benefits to which the petitioner is entitled.

9. With the aforementioned observation and direction, the writ petition is disposed of.

(Ajit Kumar, J)

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