

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.206 of 2014

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Shiv Bachan Prasad son of Late Gunjeshwar Prasad, resident of Village:-
Chhawahi Khas, P.S.- Manjhagarh, District:- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar, Joint Secretary to Government of Bihar, Home
Department (Special Section) Patna
2. The Under Secretary Home (Special) Department, Bihar Sarkar, Patna
3. The District Magistrate, Gopalganj
4. The Chairman Jay Prakash Samman Scheme Advisory Board Bihar,
Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Respondent/s : Mr. Abhay Shankar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 01-05-2015 The petitioner has filed this writ petition for grant of pension under the Jay Prakash Samman Yojana which according to the petitioner is pending before the Under Secretary Home (Special) Department, Government of Bihar. It is the case of the petitioner that he has filed an application in this regard enclosing the necessary particulars as back as on 12.6.2009 but the same remains pending.

The grievance of the petitioner is that despite a recommendation made by the District Magistrate, Gopalganj confirming his incarceration under the Maintenance of Internal Security Act which was a condition precedent for such claim, a

copy of which certificate is placed at Annexure-4, no formal order has been passed by the Under Secretary on his application and hence this writ petition.

Having heard learned counsel for the parties and taking note of the nature of the grievance where the application of the petitioner remains pending before the competent authority i.e. the Under Secretary, Home (Special) Department, this writ petition is disposed of with a direction to the Under Secretary or the authority concerned, to consider the application of the petitioner for grant of pension under the J.P. Samman Yojana, a copy of which is placed at Annexure-5 to the writ petition and in case the petitioner is found entitled to the pension he may be provided with the same accordingly and in case the petitioner is not found entitled to the same, his claim be disposed of by a speaking order.

In any event, necessary order(s) be passed by the Under Secretary, Home (Special) Department or the appropriate authority concerned, within three months from the date of receipt / production of a copy of this order.

(Jyoti Saran, J)

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