

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11564 of 2010

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1. Randhir Kumar
 2. Sujeet Kumar
 3. Ranveer Kumar

All three are sons of late Siyawati Devi W/O Late Shiv Kant Prasad Yadav
R/O Vill.- Ram Nagar, P.O.- Silao, P.S. Silao, Distt.- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Principal Secretary, Higher Education Human Resource Development Department, Government of Bihar, Patna
3. The Director, Higher Education Government of Bihar, Patna
4. The Vice Chancellor, Magadh University, Bodh Gaya, Distt.- Gaya
5. The Registrar, Magadh University Bodh Gaya, Distt.- Gaya
6. The Finance Officer, Magadh University, Bodh Gaya, Distt.- Gaya
7. The Principal, Ram Lakhan Singh Yadav College Aurangabad, Distt.- Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the State : Mr. N.K.Sharan, Advocate.

For the University : Mr. Vipin Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 23-11-2015

No one appears on behalf of the petitioners.

2. The prayer of the petitioners in this writ application

reads as follows:

"I..... for quashing the impugned pension payment order (P.P.O.) dated 16.07.2009 issued under the signature of the Respondent Registrar, Magadh University, Bodh Gaya as contained in Annexure-4 vide Memo No. Pen/Fin/907/09 dated 17.7.09 to this writ petition whereby and whereunder the respondent University issue reduced pension payment order on 16.7.2009 in reduced rate without given any reason and without given any opportunity to the deceased husband."

3. From the pleadings, it becomes very clear that it was one Shiv Kant Prasad Yadav, who claimed to be an employee of Ram Lakhan Singh Yadav College, Aurangabad, which is one of the 36th fourth phase constituent college. The respondent-State has filed a counter affidavit and has explained that in the report of Justice

S.C.Agrawal Commission, which was constituted by the Apex Court, the name of Shiv Kant Prasad Yadav in the department of Pali was not approved by the Agrawal Commission which also got affirmed by the Apex Court.

4. In view of the matter, the claim of the heirs of late Shiv Kant Prasad Yadav for getting retirement benefit does not seem to be justified because if the service of late Shiv Kant Prasad Yadav could not be approved by Agrawal Commission and/or by Apex Court, he had no right of being absorbed. Consequently, this Court would not like to interfere in the matter nor would hold the impugned order passed by the authorities to be bad either on fact or in law.

5. This Court, therefore for the time being would not be in a position to issue any direction for payment of retirement benefit to the petitioners specially when the original petitioner Siyawati Devi the widow of Shiv Kant Prasad Yadav has also died and has now been substituted by her three sons i.e. the present petitioners.

6. Nothing said in this order shall however come in the way of the petitioners in placing their case either before Justice S.B.Sinha Commission which now has been constituted again for looking into the grievance of the left over teaching and non-teaching employees of the fourth phase constituent colleges or before the competent authority.

7. With the aforementioned observation and direction, this writ application is disposed of.

Sujit/-

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(Mihir Kumar Jha, J)