

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15807 of 2012

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1. Nand Lal Sah, Son of Late Bachan Sah,
2. Dilip Kumar Sah, Son of Hajjo Sah
Both are residents of Village - Pain, P.S. Sultanganj,
District – Bhagalpur Petitioners

Versus

1. The State of Bihar through the Secretary Home (Special)
Government of Bihar Patna
2. The District Magistrate Bhagalpur Respondents

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Appearance :

For the Petitioner/s : Mr. SAMIR KUMAR SINGH, ADV.
For the Respondent/s : Mr. PRABHAKAR TEKRIWAL-GA1

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 06-08-2015

Heard learned counsel for the petitioners and
learned counsel for the respondents.

The petitioners seek direction to include their
names in the list of J.P. Senani Samman Yojna as per the
Government Resolution dated 05th June, 2009, notified
in the extraordinary Gazette published on 30th July, 2009
as contained in Annexure-3.

The case of the petitioners is that they
participated in J.P. Movement in 1974, consequent to
which they were sent to jail. They remained in custody
from 28.06.1974 to 08.08.1974 in Gardanibagh Thana
P.S. Case No. 59(6) of 1974 under Sections 143 and 188
of the Indian Penal Code and under Section 7 of the

Criminal Law. They have raised a grievance that their names have not been included in the list of persons found eligible for payment of pension.

Learned counsel for the petitioners contends that in similar situation one Dinesh Prasad Sharma @ Rameshwar Das moved before this Court in C.W.J.C. No. 17630 of 2010 which was disposed of on 29.06.2012 with an observation that if, the District Magistrate, on verification finds that the petitioners are eligible for pension, he would forward their case to Home (Special) Department, Government of Bihar.

On the other hand, Counsel for the State submits that as per the Gazette notification, only such persons, who were arrested for the charge under DIR or MISA would be eligible for pension.

Having regard to the facts of the case, the application is disposed of with liberty to the petitioners to satisfy the District Magistrate, Bhagalpur that their case would come within the scheme.

The application stands disposed of.

(Samarendra Pratap Singh, J.)

Vats/-

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