

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11753 of 2013

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1. Shambhu Sharan Kushwaha Son Of Nathuni Prasad Resident Of Village - Kunjlahi, P.S. Nautan, District - West Champaran
 2. Bhola Prasad Kushwaha Son Of Late Mahesh Mahto Resident Of Village - Kunjlahi, P.S. Nautan, District - West Champaran
 3. Jiyaul Miyan @ Jiyaul Hasan Son Of Late Mohammad Miyan Resident Of Village - Babua Tola, P.S. Nautan, District - West Champaran
 4. Nawal Kishore Dwivedi S/O Late Pahwari Dubey Resident Of Village - Khadda Tola Srinagar, P.S. Nautan, District - West Champaran
 5. Sudarshan Prasad Yadav S/O Sri Ram Chandra Yadav Resident Of Village - Khadda Tola Srinagar, P.S. Nautan, District - West Champaran
 6. Yogendra Rao S/O Late Babu Ram Rao Resident Of Village - Fulia Kharh, P.S. Nautan, District - West Champaran
 7. Vijay Nath Tiwari S/O Shiv Lagan Tiwari Resident Of Village - Mangalpur Gudariya, P.S. Nautan, District - West Champaran
 8. Mahavir Ram Son Of Ramjit Ram Resident Of Village - Simrahi Mathia, P.S. Nautan, District - West Champaran
 9. Md.Yakub Mian @ Md.Yakub On Of Abdul Rehman Resident Of Village - Babua Tola, P.S. Nautan, District - West Champaran
 10. Samsun Nisha Wife Of Haroon Resident Of Village - Dubey Tola, P.S. Nautan, District - West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Home, Bihar, Patna
3. The Divisional Commissioner, Muzaffarpur
4. The District Magistrate, West Champaran, Bettiah
5. The Superintendent Of Police, West Champaran, Bettiah
6. The Superintendent Of Sub Divisional Jail, West Champaran, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Rishiraj Sinha, G.P.-19

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 26-02-2016 Heard the Counsel for the petitioner and the State.

10 petitioners have joined hands in filing the writ petition for a direction upon the respondents to consider their case and pay the pension under the J.P. Samman Yojna, 2009 implemented by the State Government vide resolution contained in Annexure-1.

Mr. Verma submits that the grievance of petitioner no. 6 has already been considered and redressed.

State has objected to the maintainability of the application on behalf of several applicants stating that individual cause of action cannot be combined and raised through one writ petition. He further points out that the petitioners remained less than one month in judicial custody either under Defence of India Rules or Maintenance of Internal Security Act and as such they do not qualify for grant of pension.

Mr. Verma after making submissions at some length seeks permission of the Court to withdraw the application so that the petitioners may raise grievance before the appropriate authority/forum in accordance with law.

The application is dismissed as withdrawn with the said liberty.

(Kishore Kumar Mandal, J)

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