

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13435 of 2016

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Dhaleshwar Paswan, Son of Late Timpu Paswan, R/o Village- Kharik Bazar, P.S.-
Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Home Department, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub-Divisional Magistrate, Naugachiya, District- Bhagalpur.
4. The Circle Officer, Naugachiya Block, District Bhagalpur.
5. The Officer-in-Charge, Kharik P.S., District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate
For the State	:	Mr. P. K. Verma, A.A.G. 3
		Mr. Dr. Mankeshwar Tiwari, A.C. to
		A.A.G. 3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-08-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court seeking a direction to the respondents to exercise power conferred under Rule 106(2) Note (b) of the Bihar Pension Rules, 1950 to condone the period of shortfall for grant of pension to the petitioner.

3. Learned counsel for the State took a preliminary objection and submitted that for such condonation of the period of shortfall, a formal application is required to be filed before the Competent Authority but in the present case, there is no averment that such application has been filed and only a vague statement has been made that the authorities were requested.



4. Having considered the matter, the Court finds substance in the objection raised by learned counsel for the State. The petitioner cannot be allowed to move straight to the Court under writ jurisdiction for the relief for which he was obliged to approach the Competent Authority at the first instance and only thereafter he could have moved the Court in the event an adverse order was passed.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to approach the Competent Authority for the relief sought for in the present writ application.

(Ahsanuddin Amanullah, J.)

P. Kumar

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