

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10254 of 2015

=====

Ramrati Devi, wife of Late Yogendra Singh resident of village - Rahi Uttar,
P.S. Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna
2. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar
3. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur
4. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur
5. Principal, M.P. Sinha Science College, Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava
For the Respondent/s	:	Mr. GP23- ANIL KUMAR

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date : 21-09-2017

Heard learned counsel for the parties.

I.A. No. 4313 of 2017 is the petition for substitution. The sole petitioner is dead. The legal heir required to be substituted is the wife, namely, Ramrati Devi.

The substitution petition is allowed.

This is yet another case where the indecision or lack of having unified decision making is the reason in the present litigation. If the Vice Chancellor of the University as far back as 25th February, 2006 had taken a policy decision, which has been brought on record, to count past service for the purpose of grant of pensionary benefit, the Court does not understand as to why



discrimination is to be made with regard to the erstwhile employee in the present case when there is instances galore of similarly situated persons` past service having been accounted for the purpose of working out the length of service, for grant of pension.

The writ application is allowed with a direction upon the Vice Chancellor of B.R.A. Bihar University, Muzaffarpur, that in terms of the decision as notice above, by counting the past service the pension of the of the petitioner, who is wife of erstwhile employee, will now be reworked and authorized. It must be done within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	21.09.2017
Transmission Date	N/A

