

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15339 of 2015

=====

Gauri Shankar Singh S/o Late Hari Prasad Singh resident of village -
Sanokhar Hat, P.S. Sanokhar, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Human Resources Development Department, Patna, Bihar.
2. The Secretary, Higher Education, Govt. of Bihar, Patna.
3. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar, District Bhagalpur.
4. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur, Distt - Bhagalpur.
5. The Registrar, Tilkamanjhi Bhagalpur University, Bhagalpur.
6. The Deputy Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Swapnil Kumar Singh Advocate
For the Respondent/s	:	Mr. Rajesh Singh Advocate
For the University	:	Mr. Anjani Kumar Singh Sr. Advocate Mr. Shailendra Kumar Singh Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

6 22-09-2017 Heard learned counsels for the parties.

Any claim for pension can only arise provided a government servant has put in a minimum number of years in service. The qualifying service for pension is 10 years.

Whatever may have been the manner of engagement and continuance of the petitioner in the college, in question, what emerges is that the petitioner came to be appointed on a substantive basis and his service was given legality in the year 2003. It is a case of fresh appointment against the vacancy



available in the college or the university, in question, and since his superannuation was in the year 2011, the number of years of service between 2003-2011 does not add up to 10 years.

The submission made on behalf of the petitioner that his past service may have been considered for his absorption for pension based on a Division Bench judgement, which has been annexed as Annexure – 4 to the rejoinder of the petitioner to the counter affidavit filed on behalf of Respondent No. 3, is a misplaced reliance, because the facts of the case of the present petitioner is totally different from the case on which the Division Bench had occasion to examine.

The appointment of the petitioner is unambiguous and in view of the same, the period of service of the petitioner will be counted from the year 2003 and not before that.

Writ Application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

skm/-

U			
---	--	--	--

