

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9189 of 2008

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Dr. Shashi Kumar Singh son of late Chandrika Prasad Singh, resident of 31, Anand Apartment, Lal Bahadur Shastri Nagar, P.S. Shastri Nagar, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary-cum-Commissioner, Department of Finance, Govt. of Bihar, Patna.
3. The Secretary, Department of Animal Husbandry, Govt. of Bihar, Patna.
4. The Director, Department of Animal Husbandry, Govt. of Bihar, Patna.
5. The Accountant General, Bihar, Birchand Patel Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bijendra Prasad Sinha, Advocate
For the State	:	Mr. Rakesh Narayan Singh, AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-03-2018

Heard learned counsel for the petitioner and State.

2. On 27.02.2018, the Court had adjourned the matter in view of time sought by learned counsel for the petitioner to go through the judgment in the case of **Vijay Kumar Mishra v. State of Bihar** reported as **2017(1) PLJR 575**.

3. Today learned counsel for the petitioner wanted to rely on certain judgment of which he had not given any reference. However, the contention was that the said judgment had held that circular of 1980 was only a circular and would not prevail over the



provision of Rule 43 (b) of the Bihar Pension Rules, 1950 (hereinafter referred to as the ‘Rules’) which are statutory. On a further query, learned counsel submitted that the judgment was much prior to the judgment in the case of **Vijay Kumar Mishra** (supra).

4. In view thereof, the Court has no hesitation to record that in the case of **Vijay Kumar Mishra** (supra), the Court has held that the 1980 circular was actually amendment in the Rules itself and not merely a circular.

5. Thus, the action of the respondents does not appear to be without jurisdiction, unwarranted or arbitrary. Accordingly, in view of the law laid down in the case of **Vijay Kumar Mishra** (supra), the writ petition stands dismissed.

(**Ahsanuddin Amanullah, J**)

Anjani/-

AFR/NAFR	
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