

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17158 of 2017

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Dr Asha Rani, aged about 71 years, Wife of Sri Man Mohan, Advocate, resident of Gopal Bhawan, 'D' Block, Kadamkuan, Police Station Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, having his office in Vikas Bhawan, New Secretariat, Police Station Sachivalaya, District- Patna.
2. The Vice Chancellor, Magadh University, Bodh Gaya, District- Gaya.
3. The Registrar, Magadh University, Bodh Gaya, District- Gaya.
4. The Budget-cum-Accounts Officer, Magadh University, Bodh Gaya, District Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya, District- Gaya.
6. The Principal, Jagat Narain Lal College, Khagaul, Constituent Unit of Magadh University having his office at Khagaul, Police Station Khagaul, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Advocate
For the Magadh University : Mr. Arabind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-06-2018

Heard learned counsel for the petitioner; State and Magadh University (hereinafter referred to as the 'University').

2. The petitioner seeks direction for payment of full pension having completed 20 years of qualifying service on the date he superannuated i.e., 31.08.2008.

3. Initially, the State and the University resisted his prayer on the ground that though the State has come up with the notification to grant such benefit but it would be applicable prospectively from 23.09.2009, when the State issued such notification making persons who had completed 20 years of service to be eligible for full pension



in place of the previous requirement of the period being 33 years.

4. At this juncture, learned counsel for the University referred to the judgment in the case of **Nawal Kishore Sharma vs. State of Bihar** reported as **2017(3) PLJR 38**, in which it has been held that such benefit shall also be given to persons who had superannuated between 01.04.2007 to 23.09.2009 i.e., all persons superannuating on or after 01.04.2007 and who have completed 20 years of service shall be entitled to full pension. He submitted that the present case be also disposed off in the same terms.

5. Learned counsel for the petitioner agrees to the same.

6. In view thereof, the writ petition stands disposed off in terms of the judgment in the case of **Nawal Kishore Sharma** (supra). The petitioner is also held entitled to the same relief as has been granted by the Court to **Nawal Kishore Sharma**.

7. However, the timeframe fixed by the co-ordinate Bench of completing the exercise of re-fixing and payment of full pension to the petitioner of four months shall run from the date of production of a copy of this order before the respondent no. 3.

(Ahsanuddin Amanullah, J.)

P. Kumar

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