

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12814 of 2017

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Birendra Kumar Singh S/o Late Rama Nand Singh H/o Late Poonam Kumari
resident of - 506/384, Kabristan, Lalji Tola, Patna - 800001.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. The Finance Officer, Magadh University, Bodhgaya.
6. The Principal, G. D. Mahila College, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 16748 of 2017

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Srimati Kanchan Lata Sinha, W/o Sri R.P. Sinha, Resident of Kankarbagh, A/8
Housing Colony, Patna- 800020.

.... Petitioner/s

Versus

1. The Magadh University, Bodhgaya through the Registrar of the University.
2. The Vice-Chancellor, Magadh University, Bodhgaya.
3. The Registrar, Magadh University, Bodhgaya.
4. The State of Bihar through the Principal Secretary, HRD Department,
Government of Bihar, Patna.

.... Respondent/s

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Appearance :

(In CWJC No.12814 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the State : Mr. A. R. Pandey, A.A.G. 15

For the University : Mr. Arasind Nath Pandey, Advocate

(In CWJC No.16748 of 2017)

For the Petitioner/s : Mr.

For the State : Mr. Rajeev Ranjan, A.C. to G.P. 20

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 25-06-2018

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



2. The petitioner in C.W.J.C. No. 12814 of 2017 has moved the Court for the following reliefs:

“(I) For issuance of an appropriate writ in the nature of certiorari for quashing the letter No. 184/15 dated 7.4.2015 issued by the Public Information Officer of Magadh University whrereby the authority has provided information that as per Clause-5.2 IV of resolution 1674 dated 16.8.2012 (Annexure-5) this benefit of enhanced family pension for payment of 10 years would be effective from 23.9.2009 since the wife of the petitioner died in harness on 16.11.2008 therefore he is not entitled to get the benefit.

(II) For issuance of an appropriate writ of Mandamus commanding and directing the respondent to modify the Clause 5.2 (iv) of resolution No. 1674 dated 16.08.2012 of the Finance Department, Govt. of Bihar and a direction for insertion of amended provision 2 VII (G) of resolution no. 819 dated 23.9.2009 as contained in Memo No. 1206 dated 22.08.2013 whereby and where under the State Govt. has decided that enhanced rate of family pension would be payable to a nominee of deceased employee 10 years from date of death and the same would be applicable from 01.04.2007.

(III) For issuance of an appropriate writ of Mandamus commanding and directing the respondent authority to make payment the enhanced family pension of three years from 16.11.2015 till completion of three years, as the petitioner has received enhanced pension of seven years.

(IV) For issuance of any other appropriate writ/ writs, order/ orders, direction/ directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. The petitioner in C.W.J.C. No. 16748 of 2017 has moved the Court for the following reliefs:

“That this writ application is being filed for issuance a writ in the nature of Mandamus against the Respondent asking and commanding the respondent authority to refix the monthly



pension of the petitioner on the basis of full pension on 20 years of qualifying service in the light of judgment and order of this hon'ble Court in CWJC no. 6334/15 disposed of on 08.02.2017. For starting current pension and payment of arrears and for granting other consequential benefits."

4. A counter affidavit has been filed on behalf of the State in C.W.J.C. No. 16748 of 2017, which shall cover both the cases.

5. Learned counsel for the State submitted that the resolution of the State Government contained in Memo No. 1086 dated 20.06.2018, covers the cases and the State had decided to pay the claims, and, thus, the petitioners are entitled to the relief claimed in the writ petitions.

6. On a query to learned counsel for the University, it was submitted that the State Government having accepted the claim of the petitioners for payment, the University shall release payment latest within three months.

7. Having regard to the aforesaid stand taken on behalf of the University, the writ petitions stand disposed off with a direction to the Registrar and Finance Officer of the University to ensure that actual payment in terms of the aforesaid resolution of the State Government dated 20.06.2018 is paid to the petitioner expeditiously and latest within a period of three months from the



date of production of a copy of this order before them.

(Ahsanuddin Amanullah, J)

P. Kumar

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