

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3739 of 2013

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Umesh Chandra Prasad, S/O Late Jagat Kishore Singh, R/O Juran Chhapra,
Road No.-2, Lane No.-4, P.O.- Muzaffarpur, P.S.- Muzaffarpur, District-
Muzaffarpur

... .. Petitioner/s

Versus

1. The B.R.A Bihar University, through the Registrar of the University,
Muzaffarpur.
2. The Vice-Chancellor, the B.R.A. Bihar University, Muzaffarpur
3. The Registrar, the B.R.A. Bihar University, Muzaffarpur
4. The State of Bihar through the Principal Secretary HRD Deptt., Government
of Bihar, Patna

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 05-12-2019 Petitioner has prayed for the following relief:

“(a) This writ petition is being filed for issuance of a writ in the nature of Mandamus asking and commanding the respondents to modify the Pension Rule (Annexure-2B) contained in para 2 (Kha) of Resolution No.-F-27/pension cell-137/2008 issued by Principal Secretary (Finance) vide Memo No. 819 dated 23.09.2009 in such a way that it is made applicable to those retired from the University Service prior to 01.01.2006 as is mandated by the Apex Court in the judgement reported in A.I.R.-1983 SC Page 130 otherwise it is ultra vires of Articles 14 & 16 of the Constitution of India being irrational and arbitrary.

(b) To set aside Provision contained in para-



5 B of letter No.15/D1-13-11-1674 dated 16.08.2012 (Annexure-5) which provides for requirement of 33 years of qualifying service for those University Servants retired upto 23.09.2009 for full pension as it curtails a vested right explained above with retrospective effect in violation of Articles 14, 16 and 21 of the Constitution of India contained in Annexure-2 in (para- 2 Kha) contravention of the judgement of a Constitution bench of Apex Court (Chairman Railway Board & others Vs C.R. Rangadhamaiah) reported in (1997) 6 S.C.C. page 623.

(c) To pay to the petitioner the current pension and the arrears of pension with interest after refixing the pension rate in the light of the decision taken on the above two issues.

(d) To grant other consequential benefit Commensurate with the fact and circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the present writ application.

Permission granted.

This application is accordingly dismissed as withdrawn.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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