

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2652 of 2019

1. Shashi Kant Singh, aged about 40 years (Male) Son of Sri Ram Dayal Singh Resident of Village Tanduwa Tola, P.S. Nokha, P.O. Barhari, District Rohtas.
2. Dev Kumar Sharma aged about 42 years (Male) Son of Sri Bindeshwari Mistri, Resident of Village Tarapur, P.O. Bhadhai, P.S. Dohalla, District-Gaya.
3. Dilip Kumar Singh aged about 47 years (Male) Son of Sri Sudershan Singh Resident of Village Garbaniya, P.O. Nigmatiya, P.S. Madanpur, District-Aurangabad.
4. Ajay Kumar Sinha aged about 48 years (Male) Son of Sri Rajeev Ranjan Pd. Singh Resident of Village and P.O. Davmardand, P.S. and District- Rohtas (Sasaram).
5. Ashutosh Kumar aged about 40 years (Male) Son of Sri Awadhesh Thakur Resident of Village Chandpur, P.O. and P.S. Dev, District- Aurangabad.
6. Neyazr Ahasan Ansari aged about 40 years (Male) Son of Nehal Ahasan Ansari Resident of Village Kadir Mohalla, P.S. and District Aurangabad.
7. Arun Kumar, aged about 42 years (Male) Son of Subaidar Singh , Resident of Village Napraiwa, O.P. Gurgaya Karma, District Aurangabad.
8. Anuj Kumar aged about 45 years (Male) Son of Sri Jitendra Prasad Resident of Village and P.O. Khiruama, P.S. Madanpur, District Aurangabad.
9. Kumari Anita, aged about 40 years (Female) D/o Anil Kumar Singh @ Rameshwar Singh Resident of Village Sarsauli, P.S. Jaahara, District-Aurangabad
10. Ramanuj Kumar aged about 40 years (Male) Son of Sri Rameshwar Prasad Resident of Village Sonwalha, P.O. Chakwai, P.S. Warsaliganj, District Nawada.
11. Taukir Ahmad aged about 41 years (Male) Son of Md. Islam Kaursahi Resident of Village Purani Sahar Baradar, P.S. Daudnagar, District-Aurangabad.
12. Md. Khurshid Ansari aged about 48 years (Male) Son of Md. Kamurudddin Ansari Resident of Village Dasrath Khap, P.O. and P.S. Madanpur, District-Aurangabad.
13. Ashok Kumar @ Ashok Kumar Mehta aged about 42 years (Male) Son of Ramawater Mehta Resident of Village Kadwa, P.S. Amba, District-Aurangabad.

... .. Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Old Secretariat, Patna.
3. The Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna.
4. The Chief Director, Department of Health Services, Govt. of Bihar, Patna.



5. The Commissioner Magadh Division, Gaya.
6. The District Magistrate Aurangabad.
7. The Civil Surgeon cum Chief Medical Officer Aurangabad.
8. The District Provident Fund Officer Aurangabad.

... .. Respondents

Appearance :

For the Petitioners : Mr.Akhilesh Kumar Sinha, Advocate
For the State : Mr.Vinay Kumar Singh, AC to GP4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 12-03-2021 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

The grievance of the petitioners in the present writ application is that notwithstanding the merit position of the petitioners, the respondents delayed the appointment of the petitioners as persons below in the merit list were appointed earlier and thereafter these petitioners were appointed from the same merit list, as such those persons appointed earlier out of the same panel have been extended benefit of old pension scheme whereas petitioners' appointment was delayed on the basis of arbitrary decision of the respondents and has been subjected to new pension scheme.

Considering the submission of the petitioners that if the candidates below in the merit list were appointed earlier and the petitioners were not appointed in 2002, they should have been extended the benefit of old pension scheme, the writ



application is allowed. Respondents are directed to grant all the benefits notionally from the date junior in the merit list were extended benefits including old pension scheme on the line of the persons appointed out of the same panel and placed below the petitioners in merit list were appointed earlier. Necessary corrective measures may be taken at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order with all consequential benefits.

The writ application is allowed to the extent as indicated above.

(Anil Kumar Upadhyay, J)

BT/-

U			
---	--	--	--

