

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23607 of 2019

Diwakar Jha, aged about 69 years, Gender-Male, Son of Late Ram Chandra Jha, Resident of Village + Post- Meghaul, Sakari, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Director, Higher Education, Education Department, Bihar, Patna.
3. Kameshwar Singh Darbhanga Sanskrit University, Kamesharnagar, Darbhanga, through its Registrar.
4. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
6. The Principal, Nagarjun Umesh Sanskrit Mahavidyalaya, Tarauni, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Kaushalesh Choudhary, Advocate
For the Respondents	:	Mr. Madhaw Prasad Yadaw, G.P.23
For the University	:	Mr. Gyanendra Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 03-03-2021 Heard learned counsel for the petitioner, the learned A.C. to G.P.23 and the learned counsel appearing on behalf of Kameshwar Singh Darbhanga Sanskrit University.

The petitioner by filing this writ petition seeks direction to the respondents to pay the arrears of pension from the month of October, 2018 and onwards and the current pension to the petitioner.

Admittedly the petitioner was duly appointed as Lecturer vide Letter No.22, dated 21.03.1976. The petitioner joined on the post on 01.04.1976. The service of the petitioner was



regularized on 16.12.1977. The petitioner was getting his pension, but all of a sudden from the month of October, 2018, the pension of the petitioner was stopped.

Learned counsel for the petitioner submits that Manidhar Mishra filed CWJC No.10892 of 2019 and in pursuance of the order dated 14.11.2019, passed in CWJC No.10892 of 2019, the Director, Higher Education directed the Vice-Chancellor to resume the pension and only thereafter CWJC No.10892 of 2019 was disposed of. Pension of Manidhar Mishra was resumed. It is further submitted that the pension of similarly situated teachers who retired from their service, such as, Shashi Nandan Jha was also stopped and his pension was resumed vide Letter No.15/C2-377/2019-2618. Learned counsel for the petitioner submits that the case of the petitioner is similar to that of Shashi Nandan Jha and Manidhar Mishra and, therefore, the pension of the petitioner be also resumed forthwith and a direction be issued to pay the arrears as well. CWJC No.4666 of 2019 (Dr. Amrit Nath Jha vs. The State of Bihar & Ors.) was also disposed of in terms of the order passed in the writ petition filed by Manidhar Mishra and others. The case of the petitioner be also disposed of in the aforesaid terms.

Learned counsel for the State did not dispute these facts. However, it is submitted that the petitioner and many other persons were illegally regularized on their posts by the University



and, therefore, the State after their retirement stopped payment of pension.

Mr. Gyanendra Roy, the learned counsel for the University submits that if the State releases the fund, the University has got no difficulty in making payment of pension to the petitioner.

Having considered the submissions of both sides and on perusal of the records, it appears that the petitioner was duly appointed. The State stopped payment of pension to the petitioner on the ground that he was not legally regularized in service. The pension of the petitioner was stopped without issuing any notice and hearing him. The State awoke after retirement of teachers and even after the pension duly having been sanctioned in accordance with law, therefore, I direct the State-respondent to resume the pension of the petitioner forthwith and pay the arrears till the order is passed in accordance with law after hearing the petitioner on the point of illegal regularization of service of the petitioner.

With the aforesaid observation, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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