

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8322 of 2021

1. Dharmendra Kumar, son of Akhila Nandan Panday, Resident of Village Salalpur, P.S. Yakangar sarai, District Nalanda at present posted at Police Line Nalanda.
2. Md. Asif Hussain, son of Md Sulaman, Resident of Village Sherpur, P.S. Bihar sharif, District Nalanda, at present posted at police line Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home (Police), Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Patna.
5. The Superintendent of Police, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh
For the Respondent/s : Mr. Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 14-02-2022

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

In the instant petition, petitioners have prayed for the following relief/reliefs:

*For issuance of the writ in the
nature of mandamus or any other
writ/writs, direction/directions
commanding upon the respondents*



authority to grant the benefit of old pension scheme, where by where under they were requited as constable in Nalanda District pursuance to Advertisement No. 01/2004 and in the same transaction constables were appointed in different districts as cut of date was fixed as 31.08.2005 and they have been granted the benefit of old pension scheme but the case of the petitioners was delayed and they have been subjected to New Pension Scheme which is arbitrary, unreasonable and discriminatory.

The aforesaid relief is not supported by legal or vested right followed by demand before the competent authority, question of issuance of writ of *mandamus* under Article 226 of the Constitution is not warranted in the light of Apex Court decision in the case of ***Mani Subrat Jain Vs. State of Haryana reported in 1977 (1) SCC 486.***

Accordingly, the present petition stands dismissed, reserving liberty to the petitioners to prefer a detailed



representation with necessary materials before the concerned authority within a period of eight weeks from the date of receipt of this order. If such representation is submitted, the competent authority is hereby directed to examine petitioners’ grievance within a reasonable period of time.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2022
Transmission Date	NA

