

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11124 of 2016

Bindeshwari Devi, Wife of Late Nawal Kishore Sharma, Resident of village
and Post Uchhirma, Block and P.S. Sherghati, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Education Department, Government of Bihar, New Secretariat, Patna
3. The Director Higher Education, Education Department, Government of Bihar, New Secretariat, Patna
4. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, Dis
5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District
6. The Finance officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, Dis
7. The Hon'ble Chancellor, University of Bihar through its Secretary, Raj Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19
For respondent Nos. 4 to 6 : Mr. Gyanand Roy, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-08-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“for issuance of an appropriate direction to



the State respondents as well as to the respondent University for modification of notification bearing memo No.311 dated 07.02.2016 issued under the signature of Registrar of the respondent University. By the said notification dated 07.02.2016 the petitioner has been deprived of the pensionary benefits of her Late husband as well as she has also been made ineligible for the benefits of family pension. By said notification the pensionary benefits have been granted only to those teaching and non-teaching employees, who superannuated or retired on or after 31.08.2010.”

Learned counsel for the petitioner inviting attention of this Court to the decision rendered by Hon’ble the Apex Court in the case of *State of Bihar and Anr. Vs. Sunny Prakash and Ors.* reported in 2013(1) PLJR 233 (SC) argued that the impugned order dated 7th of February, 2016 (Annexure-1) needs to be quashed and set aside inasmuch as, vide Annexure-2 (undated), the respondents have entered into an agreement with the federation of the employees granting pensionary benefits to the employees who would have retired prior to the cut off date, i.e. 31st of August, 2010.

In our considered view, the petition needs only merits rejection for the simple reason that the challenge to the very same notification dated 7th of February, 2016 stands repealed not only before this Court but also before the Hon’ble Apex Court.



In view of these undisputed facts, petition stands dismissed.

Interlocutory application, if any, also stands dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.08.2022
Transmission Date	

