

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2879 of 2019

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Lal Babu Tiwary, aged about 71 years, (Male), S/o Late Ram Bilash Tiwary
Resident of Village -Laxmipur, P.S. Sonbarsha,Dist.-Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Bihar, Patna
2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga
4. The Principal, Sri Ganesh Giribardhari Sanskrit College, Bakhtiyarpur, Dist.-Patna
5. The Secretary, Governing Body, Sri Ganesh Giribardhari Sanskrit College, Bakhtiyarpur, Dist.-Patna

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Garg, Advocate
For the State	:	Ms. Binita Singh, SC-28
For the KSDS- University	:	Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2023

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Kameshwar Singh Darbhanga Sanskrit University.

2. The petitioner, who was an employee of a deficit grant college, has approached this Court for the benefit of pension which, according to him, has been conferred by Annexure-11 to the supplementary affidavit filed on behalf of the petitioner,



issued by the State of Bihar. The petitioner, admittedly, entered service on 15.12.1978, and retired on 31.03.2009. We find that Annexure-11, relied on by him, is also dated 15.01.2014. However, the present writ application was filed in the year 2019.

3. Be that as it may, the learned counsel for the State submits that the issue is already covered by a decision of the Hon'ble Supreme Court in the case of ***Mohammad Ali Imam & Ors. vs. State of Bihar through its Chief Secretary & Ors.*** reported in ***(2020) 5 SCC 685***, wherein, the extension of the Triple Benefit Scheme to the employees of the deficit colleges vide amendment dated 15.01.2014, was specifically looked at to examine the validity of the prescription of cut-off date of 31.08.2010. The Hon'ble Supreme Court, by the cited decision, held that in absence of arbitrariness in applicability of cut-off date as well as the rationality behind it based on date of Cabinet decision granting Triple Benefit Scheme to such deficit grant colleges, no interference with the impugned judgment denying benefit of the said Scheme to similarly situated persons who retired before 31.08.2010 was called for.

4. In such circumstances, we do not think that there is anything left to be agitated by the petitioner, especially since his date of retirement is prior to the cut-off date prescribed; being



31.08.2010.

5. The writ application, hence, would stands dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Shyambihari/
Raj Kishore/-

AFR/NAFR	
CAV DATE	
Uploading Date	20-04-2023
Transmission Date	

