

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16081 of 2014

-
-
1. Vijay Singh, son of Late Ramasraya Singh, Resident of Village- Gabhirar, P.O.- Gabhirar, P.S.- Raghunathpur, District- Siwan
 2. Rajendra Pratap Singh, Son of Late Satya Narain Singh, Resident of Village- Gabhirar, P.S.- Raghunathpur, District- Siwan
 3. Awadh Bihari Mishra, Son of Late Shardanand Mishra, Resident of Village- Harpur, P.S.- Raghunathpur, District- Siwan
 4. Pradip Kumar Singh @ Pratap Naraian Singh, Son of Kapildeo Singh, Resident of Village- Nawada, P.S.- Raghunathpur, District- Siwan
 5. Dina Nath Singh Son of Madan Singh Resident of Village- Santhi, P.S.- Raghunathpur, District- Siwan
 6. Brajendra Kumar Singh son of late Bhrigunath Singh Resident of Village- Santhi, P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Home, Govt. of Bihar, Patna
2. The Under Secretary, Department of Home Special, Govt. of Bihar, Patna
3. Inspector General of Prison, Govt. of Bihar, Patna
4. The Superintendent of Jail, Siwan, District- Siwan
5. Inspector General of Prison, Government of Jharkhand
6. The Superintendent of Central Jail, Hazaribagh, Jharkhand
7. The District Magistrate, Siwan, District- Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Uma Shankar Prasad, Sr. Advocate
	:	Mr.Kamala Kant Tiwary, Advocate
For the Respondent/s	:	Mr.Raghvendra Kumar, SC 22
	:	Mr. Vikramadit, AC to SC 22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 28-02-2023

1. The present writ petition has been filed for grant of J.P. Samman Monthly Pension to the petitioners under the J.P. Samman Yojana since the month of June, 2009 along with all the



consequential benefits.

2. The case of the petitioners in brief is that they had actively participated in the *J.P. Andolan* during the 18th March, 1974 to 21st March, 1977 and during the continuance of the said Movement, they were in jail custody for over a period of 06 months. It is stated that the petitioners were arrested on 04th May, 1974 on the charge of committing offences under Sections 143, 188, 353, 342, 228, 448 of the Indian Penal Code as also under Section 69 of the Defence of India Rules in connection with Raghunathpur PS case no. 1(10)/78. It is also stated that the Raghunathpur police had arrested the petitioners and produced them before the learned S.D.J.M., Siwan on 05.10.1974, who had directed for sending them to jail, whereafter they were taken to Siwan Jail and then to Chandawara Jail, where a Camp Jail of Hazaribagh Jail had been established and the petitioners are stated to have been kept there from 06.10.1974 to 09.06.1975. It is contended that the charge sheet was submitted by the police, finding the case against the petitioners to be true but without any clue vide Final Form dated 08.11.1974/02.12.1974. Thereafter, the learned Chief Judicial Magistrate vide order dated 01.05.1976, had taken cognizance of the offences alleged and the case was transferred to the learned court of Judicial Magistrate for disposal by an order dated 01.05.1976 itself, nonetheless, the case was



allowed to be withdrawn by an order dated 26.07.1977, passed by the learned Chief Judicial Magistrate.

3. The learned Senior counsel for the petitioners submits that the petitioners were remanded to the Chandawara Camp Jail and they remained there continuously from 06.10.1974 to 09.06.1975 i.e. for about 08 months and 03 days. It is submitted that one Satyadeo Pd. Singh who had also remained in the same jail during the same period along with the petitioners, has already been granted J.P. Samman Monthly Pension, however, the petitioners have not been granted the same.

4. *Per contra*, the learned counsel for the respondent State has referred to the counter affidavit filed in the present case and has submitted that the eligibility criteria as set forth in the J.P. Samman Yojana Scheme vide resolution dated 05.06.2009 is detention of the person concerned under the Maintenance of Internal Security Act (M.I.S.A.) or Defence of Indian Rule (D.I.R.) during the said Movement i.e. in between the period 18th March, 1974 to 21st March, 1977. It is further submitted that no application for sanction of pension under the J.P. Samman Pension Yojana has been received from the petitioners no. 2 to 6, however, only petitioner no. 1 namely Vijay Singh has applied for grant of pension under the J.P. Samman Pension Yojana on the basis of being under detention from 06.10.1974 to 09.06.1975, during the



J.P Movement, however, since the petitioner no.1 had failed to submit any proof with respect to his detention under the D.I.R./M.I.S.A., he was placed in the category of persons detained under other laws. It is also submitted that since the detention period of the petitioner no. 1 under the D.I.R./M.I.S.A has not stood verified from the jail records, he is not entitled for pension under the J.P. Samman Pension Yojana. It is also submitted that it is evident from paragraph no. 12 of the present writ petition that the petitioner remained in Chandawara Camp Jail, situated in the then Hazaribagh District from 06.10.1974 to 09.06.1975, hence, it is evident that the petitioners were not detained in Jai Prakash Narayan Central Jail, Hazaribagh, thus they have not been able to produce any certificate regarding their detention. Lastly, it is submitted that no record of Chandawara Camp Jail is available in the Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh, hence, it cannot be verified as to whether the petitioners were detained in Chandawara Camp Jail.

5. I have heard the learned counsel for the parties and gone through the materials on record as also heard the learned Senior counsel for the petitioner and the learned counsel for the respondent- State at length. It is evident from the averments made in the present writ petition that the petitioners have failed to provide proof/ certificate regarding their detention at the



Chandawara Camp Jail under the D.I.R./M.I.S.A, during the J.P. Movement in between the period 18th March, 1974 to 21st March, 1977, hence, the eligibility criteria provided for in the resolution dated 05.06.2009, issued by the Home (Special) Department, Government of Bihar has not been fulfilled, so as to warrant grant of J.P. Samman Pension to the petitioners.

6. Having regard to the facts and circumstances of the case and considering the fact that the petitioners have failed to produce any certificate regarding their detention under the provisions of the M.I.S.A./D.I.R. in between the period 18.03.1974 to 21.03.1977, apart from the fact that they do not fulfill the eligibility criteria laid down in the aforesaid resolution dated 05.06.2009, no relief can be granted to the petitioners, hence, the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.03.2023
Transmission Date	NA

