

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12608 of 2021

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1. Nand Kumar Son of Indradeo Prasad, Resident of Indradeo Kunj, Roushan Lal Colony, Balmichak, P.S.- Beur, District - Patna. At present posted as Inspector, Weights and Measure at Motihari Sadar, East Champaran.
 2. Muzaffar Alam, Son of Md. Zahir Alam, Resident of Mohalla - Maharajganj, Dumduma, P.S. Laheriasarai, District - Darbhanga. At present posted as Inspector, Weights and Measure, Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Director Agriculture, Bihar, Patna.
3. The Joint Director Agriculture-Cum-Controller, Weights and Measure, Bihar, Patna.
4. The Deputy Director Agriculture-Cum-Joint Controller, Weights and Measure, Tirhut Division, Muzaffarpur.
5. The Assistant Controller, Weights and Measure, East Champaran, Motihari.
6. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
7. The Principal Secretary, General Administration Department, Bihar, Patna.
8. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv.
For the Respondent/s : Mr.Nilotpal Sharma, AC to Ex. GP-21

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-11-2023 The present writ petition has been filed seeking the following reliefs:-

“1(a). For direction upon the respondent authorities not to give effect to the New Pension Scheme as per Resolution No. 1964 dated 31.08.2005 issued by the Finance Department, Bihar, Patna whereby it has been declared that the persons appointed on or after 01.09.2005



shall only be entitled to New Pension Scheme, namely Contributory Provident Fund Scheme (CPF) in terms of Gazette Notification No. 614 dated 18.11.2005.

(b). For direction upon the respondent authorities to treat the petitioners to have been appointed under Old Pension Scheme and they shall be governed by the Old Pension Scheme as the persons appointed pursuant to Advertisement No. 107/1998 published by the Bihar Public Service Commission like the petitioners have been governed under Old Pension Scheme.”

2. At the outset, the learned counsel for the petitioners submits that the present case is squarely covered by a judgment dated 9.12.2020, passed by a coordinate Bench of this Court in CWJC No. 22232 of 2018 (*Ashok Kumar Sharma & Anr. vs. The State of Bihar & Ors.*) as also by a judgment dated 29.7.2022, passed by a coordinate Bench of this Court in CWJC No. 5458 of 2021 (*Manoj Kumar Verma vs. The State of Bihar & Ors.*).

3. The learned counsel for the Respondent-State submits that the case of the petitioner shall be examined in light of the aforesaid judgments, rendered by this Court in the case of *Ashok Kumar Sharma & Anr.* (supra) and *Manoj Kumar Verma* (supra) and a decision shall be taken forthwith.



4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Director Agriculture, Bihar, Patna, to consider the case of the petitioners for grant of the benefits of the old pension scheme in light of the aforesaid judgments rendered in the case of *Ashok Kumar Sharma & Anr.* (supra) and *Manoj Kumar Verma* (supra) and pass a reasoned and a speaking order within a period of six weeks of receipt / production of a copy of this order.
5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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