

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.454 of 2022

In
Civil Writ Jurisdiction Case No.18602 of 2019

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Prabha Rani, Wife of Late Jai Prakash Sinha, resident of Muhalla - Nadarganj,
near Vaisno Devi Mandir, P.S. - Civil Line, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
3. The Magadh University, Both Gaya through its Registrar.
4. The Vice Chancellor, Magadh University, Both Gaya at Bodh Gaya.
5. The Registrar Magadh University, Bodh Gaya at Bodh Gaya.
6. The Finance Officer, Magadh University, Gaya at Bodh Gaya.
7. The Principal, Ram Lakhan Singh Yadav College, Aurangabad at Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr. Apurva Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-10-2023

The petitioner is aggrieved with the denial of pension to the husband of the petitioner, who is said to have worked in Ram Lakhan Singh Yadav College right from 1981. The learned Single Judge found that after a series of litigation, a One-man Inquiry Commission was appointed by the Hon'ble Apex Court to consider the recommendation/ adjustment/



absorption of persons in the service of the University with effect from the date, on which the post falls vacant due to retirement, death or transfer. The said Commission was appointed only in the circumstances of the State Government having taken over certain affiliated colleges, which included Ram Lakhan Singh Yadav College.

2. The One-man Inquiry Commission, comprising of a retired judge of the Hon'ble Supreme Court, considered the case and directed regularisation of certain people as against arising vacancies. The Commission report was filed on 10.01.2010. The petitioner's husband was also entitled to be appointed as a Lecturer in Psychology with effect from 18.09.2018. However, the petitioner's husband had died in the year 2015.

3. The petitioner seeks that petitioner's husband service in the Ram Lakhan Singh Yadav College, even before take over by the State Government and regularisation be considered for the pensionable service.

4. It is to be noticed that the Hon'ble Supreme Court has specifically constituted a Commission to consider the regularisation that too only to sanction vacancies on it arising. It is as per the Commission's recommendation that the petitioner's



husband was to be regularised in 2018, but, unfortunately, petitioner’s husband died earlier. The petitioner’s husband’s prior service cannot be reckoned for the purpose of pension, especially since he expired even before the regularisation came into effect. In fact, even those persons who were regularised as per the One-man Commission’s recommendations, were not given the benefit of past service for determining pension.

5. The appeal, hence, stands dismissed.

6. Interlocutory application(s), if any, shall stand disposed of.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
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