

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23153 of 2018

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Prof. Ashok Chandra Sinha S/o Late Ramesh Sinha R/o V.C. Lane, Club
Road, P.S.- Mithanpura, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner-Cum- Principal Secretary, Human Resource Department,
Bihar, Patna
3. B.R.A. Bihar University, Muzaffarpur through its Registrar
4. The Vice- chancellor, B.R.A. Bihar University, Sabour, Muzaffarpur
5. The Registrar,B.R.A. Bihar University, Sabour, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the Respondent/s	:	Mr. Vivek Anand Amritesh, AC to SC-28
For the University	:	Mr. Vivek Nand Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 19-01-2023 Learned counsel for the petitioners, counsel for the

State and counsel for the University appeared.

It has been jointly argued that all the 5 writ petitions
are based on the decision of the Full Bench of this Court,
namely, *Yogendra Prasad vs. State of Bihar* with analogous
cases, reported in *2020 (1) PLJR 243*.

It has also been accepted by all the petitioners that in
the said judgment, Hon'ble Division Bench has classified the 2
categories. Category 1 is said to be the heterogeneous category,
according to which those persons who retired prior to
01.01.2006 shall be entitled to get the full pension only after
completion of 33 years of service or the State can adopt
different yardstick for fixation of their pension.

Whereas, category 2 has been acknowledged by the

Hon'ble Division Bench as the homogeneous class according to which, those persons who retired after 01.01.2006 shall be entitled to get full pension only after completion of 20 years of service.

Counsel for the petitioners submit that admittedly, they are in the category of heterogeneous class and when it is admitted that they belongs to heterogeneous category, then in that case, the guidelines given in the said judgment in paragraph 42 shall apply on them which are as follows:-

“(i) Teachers retired after 01.01.2006 form one Homogeneous Class and entitled to identical treatment like all other teachers retired after 23.09.2009 for the purpose of entitlement of full pension on completion of 20 years of service. They are also entitled to pension fixation on the same line the teachers who retired after 23.09.2009.

(ii) Teachers retired before 01.01.2006 form Heterogeneous Class and as such the State can adopt different yardstick for fixation of their pension.

(iii) The benefit of corresponding pay revision in revised pay scale is available to only those retired on or after 01.01.2006.

(iv) The State is obliged to adopt the same modalities applicable to State Government employees in the matter of pension fixation of retired teachers.

(v) The State has competence to adopt the Central Government memorandum with modification considering financial constraints.

(vi) The Notification No. 852 dated 17.07.2019 is not violative of Article 14 of the Constitution of India. However, that decision cannot defeat the claim of full pension to teachers retiring on or after 01.01.2006, if completed 20 years service.

(vii) The Court has not gone into the validity of resolution No. 592 dated 06.03.2019 as it was neither argued nor pressed.”

Admittedly, all petitioners were retired before 01.01.2006. Hence, in this view of the matter, I found no merit in this case and all the writ applications in the light of the Division Bench are hereby ended.

(Dr. Anshuman, J.)

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