

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1210 of 2021

In

Civil Writ Jurisdiction Case No.4649 of 2019

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Yogendra Prasad Son of Late Rameshwar Prasad Resident of Kishori Enclave,
Flat no. 202, Mita Mandal Colony, Saket Bihar, District- Patna

... .. Petitioner/s

Versus

1. Prof. Rajendra Prasad the Vice Chancellor of Magadh University, Bodhgaya
2. Dr. Vijay Kumar the Registrar of Magadh University, Bodhgaya
3. Mr. Sanjay Kumar Principal Secretary, Education Department, Govt. of Bihar, Patna
4. The State of Bihar through the Principal Secretary, Education Department, Govt of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Yadav, Advocate
For the State	:	Mr.Priyadarshi Matri Sharan, Advocate
For the University	:	Mr. Faiz Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-02-2024

The present M.J.C. No. 1210 of 2021 is filed for non compliance of order dated 20.12.2019 passed in C.W.J.C. No. 4649 of 2019.

2. Today, learned counsel for the petitioner submitted that the concerned respondents have not complied orders of this Court. It is reliably learnt that petitioner has attained the age of superannuation and retired from service on 31.05.2005. In such circumstances, relevant direction or



declaration passed by this Court at Para 42 in its order dated 20.12.2019 and the relevant portion of 42(ii), which reads as under:-

“42 (ii) Teachers retired before 01.01.2006 from Hetrogenous class and as such the State can adopt different yardstick for fixation of their pension.”

3. Taking note of the aforementioned declaration, Opposite Party nos. 1 and 2 proceeded to fix the petitioner's pay with reference to second method which has been taken note of by the respective official respondents. It is necessary to reproduce Para 8 and 9 of the show cause filed on behalf of the Opposite Party nos. 1 and 2 and it reads us under :

8. That admittedly the petitioner has retired after completion of 25 years of service on 31.05.2005 from the post of Associate Professor. The minimum pay scale of Associate Professor w.e.f. 01.01.2006 was Rs. 37,400/- plus Grade pay of Rs. 9,000/-.

9. That according to Clause-6 of the aforesaid notification the University revised the pension of the petitioner as follows:

1st Method

1st Pension fixed Rs. 6,932=00

Revised Pension Rs. $6932 \times 2.26 =$ Rs. 15,666/-

2nd Method

Minimum Basic Pay $37,400 + G.P. 9000 = 46400 / 2 = 23200/-$

Service rendered by petitioner = 25 years

Rs. $23200 \times 25 / 33 =$ Rs. 17,576/-



Thus, the Basic pension of the petitioner was fixed @ Rs. 17,576/- per month w.e.f. 01.01.2006.

4. In the light of the aforementioned statement and stand of the official respondents to the extent that petitioner has been provided second method cited (*supra*) while taking minimum Basic Pay 37,000 + G.P. 9000 = 46,000/2 = 23,200/- service rendered by petitioner is equal to twenty five years that has been multiplied with reference to twenty five years.

5. In view of these facts and circumstances, there is a compliance of orders of this Court. If the petitioner still feels that he is not happy with the fixation of pension in terms of the Para 9 cited (*supra*) he is at liberty to invoke fresh remedy before appropriate forum.

6. Accordingly, present M.J.C./Contempt Petition No. 1210 of 2021 stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27/02/2024
Transmission Date	N/A

