

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7463 of 2023

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Punyadeo Prasad alias Punyadeo Bhagat Son of Late Yamuna Prasad alias Yamuna Bhagat, Resident of Village-Mane, Police Station-Ekma, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home (Special) Department, Government of Bihar, Patna.
3. The Deputy Secretary, Home (Special) J.P. Senani Department, Government of Bihar, Patna.
4. The Inspector General of Jail, Government of Bihar, Patna.
5. The District Magistrate, Saran at Chapra, District- Saran.
6. The Superintendent of Jail, (Mandal Jail), Saran at Chapra, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Samir Kumar Sinha, Adv. Mr.Manoj Kumar, Adv.
For the Respondent/s	:	Mr.Manish Kumar, GP-4 Mr.Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 30-07-2024

1. The present writ petition has been filed for quashing the order dated 10.03.2023, passed by the Additional Chief Secretary, Home Department (Special Branch), Government of Bihar, Patna, i.e. the respondent no.2, whereby and whereunder the case of the petitioner for grant of pension under the J.P. Senani Samman Pension Yojna has been rejected.

2. The brief facts of the case according to the petitioner are that the petitioner had actively participated in J.P.



Andolan and was arrested and sent to Mandal Jail at Chapra, where he remained in custody from 05.10.1974 to 19.11.1974, for the offences punishable under Section 188, 353 of the Indian Penal Code, Section 3(1) of the GPP and Section 69 of the Defence of India Rules. It is submitted that the Superintendent, Mandal Jail, Chapra, has issued a letter dated 03.01.1978, certifying that the petitioner had remained in custody from 05.10.1974 to 19.11.1974.

3. The learned counsel for the petitioner has further submitted that the learned Chief Judicial Magistrate, Chapra, had discharged the petitioner and others from the allegations levelled against them and the name of the petitioner also finds place, therein. It is contended that since the Government of Bihar, had come out with J.P. Senani Samman Pension Yojna, for the purposes of granting pension to such persons who were arrested during the course of J.P. Andolan and an Advisory Committee was formed to recommend such cases, the petitioner had filed an application on 19.11.2007, for grant of pension under the aforesaid scheme, pursuant whereto, the Advisory Committee had recommended the case of the petitioner for grant of pension under the J.P. Senani Samman Pension Yojna, as is apparent from the letter of the Secretary, Home Department



(Special Branch), Government of Bihar, Patna dated 03.05.2016, annexed as Annexure-6 to the present writ petition, where the name of the petitioner can be found at serial no.3, in the list appended therein. When the petitioner was not granted pension under the J.P. Senani Samman Pension Yojna, he had approached this Court, by filing a writ petition, bearing C.W.J.C. No.35755 of 2015, which was disposed off by an order dated 23.02.2023 and the petitioner was relegated to the remedy of approaching the respondents, whereupon the petitioner had filed a representation before the respondents, however, the same has been rejected by the respondent no.2, on the ground that the certificate of custody issued to the petitioner could not be verified by the jail department.

4. Per contra, the learned counsel for the respondent-State has submitted that there is discrepancy in the name of the petitioner inasmuch as somewhere his name has been mentioned as Punyadeo Sah whereas somewhere it is mentioned as Punyadeo Prasad. It is also stated that the order sheet of the learned Trial Court would show that the petitioner was discharged on 18.01.1974, however, it is a mistake since he was taken into custody on 05.10.1974 and released on 19.11.1974. Lastly, it has been stated that the certificate issued by the



Superintendent, Mandal Jail, Chapra, regarding the custody of the petitioner could not be verified, hence the case of the petitioner has stood rejected.

5. I have heard the learned counsel for the parties and perused the materials available on record, especially the certified copy of the order sheet of the learned Trial Court annexed with the rejoinder affidavit, from which it is clear that the name of the petitioner has been mentioned as Punyadeo Prasad in the order sheet, apart from it being mentioned therein that the charge sheet was filed on 22.10.1974, qua the petitioner and others, whereafter, cognizance was taken on 18.01.1974, however, the case was withdrawn and the accused persons including the petitioner herein were discharged by an order dated 05.08.1977, apart from the fact that the certificate issued by the Superintendent, Mandal Jail Chapra, also depicts that the petitioner was in custody from 05.10.1974 to 19.11.1974, in connection with F.I.R. filed under the provisions of the Indian Penal Code and Defence of India Rules, hence the Advisory Committee had recommended the case of the petitioner for grant of pension under the J.P. Senani Samman Pension Yojna. These facts definitely goes to show that the claim of the petitioner cannot be brushed aside in a summary and perfunctory manner,



especially in the manner and on the grounds on which the respondent no.2 has rejected the case of the petitioner, hence the order dated 10.03.2023, passed by the respondent no.2, as far as the same pertains to the petitioner, is set aside and the respondent no.2 is directed to take into account the aforesaid facts and circumstances of the case and revisit the claim of the petitioner for grant of pension under the J.P. Senani Samman Pension Yojna, by making an inquiry and passing a reasoned and a speaking order afresh, within a period of eight weeks of receipt/production of a copy of this order.

6. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2024
Transmission Date	NA

