

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14337 of 2022

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1. Uttara Kumari Wife of Vijay Kumar, Resident of Village - Pakri, Police Station Farash Bigha, District - Jahanabad.
 2. Md. Firoz, Son of Late Md. Nayeem, Resident of Mohalla - Zafarganj, Police Station - Jahanabad. District - Jahanabad.
 3. Bijendra Kumar Sinha, Son of Deo Nath Sinha, Resident of Village - Maurja Nagar, Purani Uttar Bigha, District - Jahanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna.
3. The Secretary Department of General Administrative Reforms, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The District Collector, Gaya.
6. The District Provident Fund Officer, Gaya.
7. The District Treasury Officer, Gaya.
8. The District Collector, Gaya.
9. The District Collector, Jahanabad.
10. The District Provident Fund Officer, Jahanabad.
11. The District Treasury Officer, Jahanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Virendra Prasad, Adv.
For the Respondent/s	:	Mr. Dhurvendra Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-04-2024 The present writ petition has been filed seeking the following reliefs:-

“1. That this application is being filed for issuance of a writ in the nature of mandamus directing / commanding the Respondents



Authority to accept the joining of the petitioners on their class-III, Post of Clerks from the date on which the notification appointing others candidates in the same merit list which was recommended by the Bihar Public Service Commission (B.P.S.C).

(a). That for further directing/commanding the Respondents Authority to fixed seniority as per merit list and to grant all national benefits of continuous service and seniority to the petitioners as may be available to the others candidates who appointed on 08.12.2003 from the same merit list.

(b). That for further directing/commanding the Respondents Authority to provide old pension scheme i.e. G.P.F. in place of New Pension Scheme (C.P.P.) i.e. Contributory Provident Fund plan treating these petitioners to have been appointed prior to 01.09.2005 for the purpose of the application of the service condition in regard to the pension. Since other appointees from the same merit list have been provided of old pension scheme.

(c). That issue writ of mandamus directing to the Respondents Authority to fix salary of the petitioners after granting all notional benefits treating the date of appointment as 08.12.2003 and on class IIIrd post of clerk and to pay all consequential benefits to them w.e.f. date on which the petitioners have been appointed.”



2. At the outset, the learned counsel for the parties are in agreement that the present case is squarely covered, by a judgment dated 3.4.2018, rendered by a coordinate Bench of this Court, in CWJC No. 13797 of 2016 (***Pramod Kumar & Others vs. The State of Bihar & Ors.***).

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Divisional Commissioner, Magadh Division, Gaya, to consider the grievances of the petitioners, as aforesaid and take appropriate decision in light of the aforesaid judgment, passed by a coordinate Bench of this Court in the case of ***Pramod Kumar & Others*** (supra), within a period of four weeks of receipt / production of a copy of this order.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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