

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1122 of 2024

Jaikishore Yadav Son of- Late Madho Prasad Yadav, Resident of Village-
Kamlakund, P.S.- Ismailpur, District- Bhagalpur, and retired Office-in-Charge
Principal Assistant, Circle Office, Lokhai, District- Madhubani,

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administrative, Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Secretary (Resource), Department of Finance, Government of Bihar, Patna.
6. The District Magistrate, Madhubani.
7. The District Provident Fund Officer, Madhubani.
8. The Circle Officer, Lokahi, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav
For the Respondent/s : Mr.Standing Counsel 9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-02-2024 The present writ petition has been filed seeking the
following relief:-

“1. That the petitioner seeks indulgence of this
High for issuance of appropriate order/orders,
direction/directions, writ/writs preferably in the
nature of mandamus, commanding and directing
the respondents to grant the petitioner old
pension scheme as well as grant of seniority and
pay him all the consequential post retiral benefits
to the petitioner in the light of Memo No.



48/2020 dated 28/11/2023 issued by the Department of Finance, Government of Bihar, Patna issued in pursuance to several judicial pronouncement of this High Court including C.W.J.C No. 1487/2015, disposed of on 14/02/2017 as well as C.W.J.C. No. 13797/2016 Disposed of on 03/04/2018. As the petitioner has been appointment letter appointing him on Class-III post against advertisement No. 14/1998 was issued belately i.e. on 11/10/2012 on the direction of this High Court passed in C.W.J.C. No. 6522/2007 disposed of on 08/12/2011 without having any fact the part of petitioner, whereas other similarly situated persons who were appointed against said Advertisement No. 14/1998 timely has been getting benefit of old pension scheme and New then petitioner retired from service on 31/01/2023 as per his date of birth he is put under New Pension Scheme. That once as per the same advertisement i.e. 1998 advertisement and same recommendation, some persons, who were appointed prior to introduction of the new scheme, are being granted the benefit of old pension scheme there was no reason to create two class in the same appointment process, which discriminately, bad in the eye of law and against the right of equality.”

2. At the outset, the learned counsel for the petitioners seeks



liberty on behalf of the petitioner to approach the Respondent No. 6 i.e. the District Magistrate, Madhubani, for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioners approach the Respondent No. 6, by filing appropriate representation, within a period of two weeks from today, the same shall be disposed off, by a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

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

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

