

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5303 of 2021

1. Pushp Renu Sinha Wife of Manoj Kumar Resident of Opposite to Supriya Cinema Road, Police station- Bettiah (Town), District- West Champaran
2. SAKAL DEO PRASAD YADAV Son of LATE GOTHUL YADAV Resident of Bhikhampur Bybammia Bandobasti, Police Station- Lauriya, District- West Champaran
3. KULDIP PRASAD Son of LATE INDAL PRASAD Resident of Miyanpur Dubauli, Police station- Miyanpur Dubauli, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna
2. The Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna
3. The Director, Higher Education, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna
4. The Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur, Bihar through the Vice Chancellor
5. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur,
6. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur,
7. The Finance Officer, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur,
8. The Principal, Ram Lakhan Singh Yadav College, Bettiah, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate. Mr. Pranav Ranjan, Advocate.
For the University	:	Mr. Mrityunjay Singh, Advocate.
For the State	:	Mr. Jitendra Kumar Roy, SC-13.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 28-07-2025 Heard Mr. Sanjeet Kumar, learned counsel along with Mr. Pranav Ranjan, learned counsel appearing on behalf of the petitioners; Mr. Mrityunjay Singh, learned counsel for the University and Mr. Jitendra Kumar Roy, learned SC-13 for the



State.

2. Learned counsel appearing on behalf of the petitioners submits that the petitioners seek to file their detailed representation before the Registrar, B. R. A. Bihar University, Muzaffarpur for granting them relief in light of the order passed by the Apex Court in ***Contempt Petition (C) No. 1188 of 2018 arising out of Civil Appeal No. 2703 of 2017 (Dr. Yogeshwar Yadav Vs. Sanjay Kumar & Ors.)***. Learned counsel further submits that the Hon'ble Supreme Court in the aforesaid contempt petition observed that the petitioner's absorption was notified after the order of the Justice S. B. Sinha Commission and the petitioner before the Apex Court has already attained the age of superannuation. While considering the question of release of pension, the Hon'ble Supreme Court taking note in Para-5 and 6 dropped the contempt.

3. Petitioners have further drawn attention of the order dated 24.03.2025 passed in C.W.J.C. No. 14035 of 2021 and also the order dated 08.07.2025 passed in C.W.J.C. No. 215 of 2021 and other analogous cases. I find that in light of the order passed by the Apex Court in ***Dr. Yogeshwar Yadav (supra)***, action is required to be taken by the Registrar, B. R. A. Bihar University, Muzaffarpur, as has been taken in case of other



employees, expeditiously without delay as all the petitioners have now attained the age of superannuation. Article 300A of the Constitution mandates that the pension is a property. The Apex Court in the case of ***D. S. Nakara & Ors. Vs. Union of India***, reported in ***(1983) 1 SCC 305*** has held that pension is not a bounty rather property and the same is required to be paid, expeditiously.

4. With the above observation and direction, the writ petition stands disposed of.

5. Interlocutory application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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