

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4424 of 2025

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Krishna Rajak, Son of Shree Jagdish Rajak, Resident of Village and P.O.-
Ghatrain Police Station- Madanpur, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department Government of Bihar, Patna.
4. The Chief Engineer, Irrigation Creation, Water Resource Department, Darbhanga.
5. The Chief Engineer, Irrigation Creation, Water Resource Department, Dehri.
6. The Executive Engineer, Western Koshi Canal Division, Andhrahadhi.
7. The Executive Engineer, Irrigation Division, Dehri.
8. The District Magistrate, Aurangabad.
9. The Circle Officer, Haspura, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Respondent/s : Mr. Government Advocate (09)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-03-2025 Heard the parties.

2. The petitioner has invoked the prerogative writ jurisdiction of this Court seeking a direction upon the concerned respondent authorities to extend the benefit of old pension scheme under Bihar Pension Rules, 1950 in the light of the notification as contained in memo no. 1548 dated 27.06.2011 issued by Finance Department, Government of Bihar, Patna.

3. Learned Advocate for the petitioner narrating the averments made in the writ petition has contended that initially the petitioner was duly appointed as Karmchari in the



Aurangabad District under office order contained in letter no 79 dated 11.02.2024 by the District Magistrate in the light of the recommendation made by Bihar Public Service Commission, Patna. On being submitting his joining on 27.02.2024, the petitioner served at many places and also passed Hindi Noting and Drafting Examination in the year 2004 itself.

4. While the petitioner was posted as Karmchari at Barun Circle, he submitted an application for appointment against the post of Junior Engineer and later on he was found successful and selected by the Water Resources Department, Government of Bihar for the post of Junior Engineer vide memo no. 747 dated 13.02.2014. On account of selection on the post of Junior Engineer under the Water Resources Department, the petitioner rendered his resignation from the post of Karmchari and on being relieved, he joined on the post of Junior Engineer.

5. Notwithstanding the joining of the petitioner in the Water Resources Department, on account of his selection as afore-noted, when the past services rendered by the petitioner on the post of Revenue Karmchari under the control of District Magistrate was not accorded to and the service of the petitioner has been treated under the new pension scheme, the petitioner approached before the authorities concerned, but no action has been taken, compelling him to approach before this Court.



6. At the outset, learned Advocate for the State submits that before approaching this Court, *prima facie* it appears that no representation has been preferred by the petitioner before the authorities concerned and brought to their knowledge the grievance of the petitioner, as raised in the present writ petition.

7. Considering the submissions advanced by learned Advocate for the respective parties, this Court deems it appropriate to dispose off the writ petition with a direction to the petitioner to approach before the respondent no. 2 by filing an appropriate representation alongwith the memo no. 1548 dated 27.06.2011 preferably within a period of two weeks from today.

8. In case such a representation is filed, the Principle Secretary, Water Resources Department, Government of Bihar shall consider the claim of the petitioner and dispose off the same in the light of memo no. 1548 dated 27.06.2011 preferably within a further period of eight weeks.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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