

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5737 of 2025

1. Shambhoo Prakash Son of Shyam Dhani Ram, Resident of Mahuawa Bajudih, P.S. - Bijaipur, District- Gopalganj.
2. Amar Nath Choudhary, Son of Surendra Choudhary, Resident of Ward No. 47, K M Tank Phulwari, P.S - Bahdurpur, District - Darbhanga.
3. Md. Abu Nasar, Son of Shafique, Resident of Village- Dehti, P.S.- Palasi, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Land Revenue, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Finance Secretary, Government of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Shiv Kumar, AC to GA- 3
For the BPSC	:	Mr. Sanjay Pandey, Adv. Mr. Nishant Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-04-2025 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar Public Service Commission.

2. The present writ petition has been filed for the following reliefs:-

I. For issuance of an order, direction or writ including writ in the nature of Mandamus commanding and directing the respondents not to give effect to the New Pension Scheme as notified in Memo No.- 690 dated 03.03.2006 of Finance



Department whereby and whereunder it has been said that the persons appointed on 01.09.2005 of thereafter shall be member of newly contributory fund scheme in terms of Extra Gazette Notification No. 614 dated 18.11.2005, treating it to be irrelevant, in -operative and non-est. in the case of petitioners, treating them to be legally and validly appointed prior to 1.09.2005 in respect of Advertisement No. -01/1990 for the vacancies occurred from 1990-93, for the application of Old Pension Scheme and other notional benefits from 1997 arising out of the said transaction.

II. For further issuance of an order, direction or writ including writ in the nature of Mandamus further commanding upon the respondents to extend the benefits of Judgments dated 03.08.2011 passed in C.W.J.C.No. 10901/2006 and upheld in L.P.A. No.- 589/2013, vide order dated 26.11.2013 and followed in several cases by this Hon'ble Court and specifically the case of the petitioners is squarely covered with Judgment dated 09.12.2020 passed in CWJC number 22232 of 2018.

III. For any other relief(s) to which the petitioners may be found entitled in the facts and circumstances of the present case.



3. Learned counsel for the petitioners submits that the petitioners' only grievance is that their cases be considered in light of the Old Pension Scheme. Counsel further submits that, in response to the demand of the respondent authorities, the petitioners filed their representation along with a declaration stating that they are entitled to and interested in the benefits under the Old Pension Scheme. It is further submitted that no decision has been taken on their representation till date.

4. Learned counsel for the State submits that, in the present writ petition, only the representation of petitioner No. 2 has been filed.

5. In response thereof, counsel for the petitioners submits that representations have also been filed by the petitioner Nos. 1 & 3, but the same were inadvertently not annexed in the writ petition.

6. Counsel for the State further submits that a decision is required to be taken by the respondent authorities on the petitioners' representations, keeping this aspect in view, the present case may be decided accordingly.

7. In light of the submissions made, the present writ petition stands disposed off, with liberty granted to the petitioners to file a fresh representation within 30 days from



today. The Additional Chief Secretary, Department of Land Revenue, Government of Bihar, Patna (respondent No. 1), is hereby directed to take a decision on the fresh representation filed by the petitioners within 90 days from the date of its receipt.

(Dr. Anshuman, J)

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