

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4588 of 2025

1. Shamim Akhtar Mazhari Son of Late Md. Yusuf, Resident of Muslim Nagar, Lal Kotha, Kund Muhalla, P.S.- Medininagar, District- Palamau (Jharkhand).
2. Vidyanand Jha Son of Kripanand Jha, Resident of Parwaha, P.S.- Farbisganj, District- Araria (Bihar).
3. Vinay Shankar Panda Son of Late Sahadev Panda, Resident of Indira Nagar Road, P.S.- Dumka Town, District- Dumka (Jharkhand).
4. Rajendra Kumar Rajeev Son of Ravishankar Raut, Resident of Ward No.12, Village- Maura, Post- Raharia, P.S.- Nirmali, District- Supaul (Bihar).
5. Upendra Kumar Son of Girija Nandan Sharma, Resident of Durga Colony, Raj High School Road, Ward No.3, P.S.- Pakur, District- Pakur (Jharkhand).
6. Arun Kumar Das Son of Late Bhauller Das, Resident of Village- Brahmpura, Post- Brahmpura, P.S.- Maniganchi, District- Darbhanga (Bihar).
7. Rabindra Kumar Son of Late Nathuni Ram, Resident of Village and P.O.- Pachama, P.S.- Piro, District- Bhojpur (Bihar).
8. Choudhary Ram Son of Late Kari Ram, Resident of Indira Nagar, P.O.- Thalwara, P.S.- Ashok Paper Mill, District- Darbhanga (Bihar).
9. Ghulam Shahid Son of Late Ghulam Navi, Resident of Near Imambara, Wasseyapur, Matkuria, P.S.- Bank More, District- Dhanbad (Jharkhand).
10. Anju Singh Wife of Sri B.N. Singh, Resident of Beldari Tola Road, Lakshya Shila School, New Area Bisar Tank, PS- Gaya, District- Gaya(Bihar).
11. Binod Kumar Gupta Son of Late Raj Kishor Gupta, Resident of Mohalla-Nayapada, P.S. and District- Dumka (Jharkhand).
12. Sharat Kumar Mandal Son of Late Mahadeo Mandal, Resident of Village-Madhopur, Post- Jamjuri, P.S.- Fatehpur, District- Jamtara (Jharkhand).
13. Niraj Kumar Seth Son of Madan Mohan Seth, Resident of Village and P.O.- Tamar, P.S.- Tamar, District- Ranchi (Jharkhand).
14. Akshaywat Tiwari Son of Late Krishna Kant Tiwari, Resident of Village-Kathautiya, P.S.- Chatra, District- Chatra (Jharkhand).
15. Ashok Kumar Son of Gatish Chandra Lal, Resident of J.C. Mallic Road, Hirapur, 4-A Sai Kripa Apartment, P.S- Dhanbad, District- Dhanbad (Jharkhand).
16. Rajesh Ranjan son of Birendra Kumar, Resident of Ward No.13, Harishpur, Near Hanuman Mandir, P.S.- Harishpur, District- Bhagalpur (Bihar).
17. Amar Kumar Verma Son of Chandra Narayan Verma, Resident of Village-Kamalpur, Post- Hansa, P.S.- Raniganj, District- Araria (Bihar).
18. Ramji Prasad Singh Son of Madho Prasad, Resident of Qr. No. D.T.-1747, Tanki Side, P.S.- Dhurwa, District- Ranchi (Jharkhand).
19. Nirmal Ram Son of Doman Ram, Resident of Ward No.8, Panchayat-Kanti, P.S.- Jainagar, Tilaiya Dam, District- Koderma (Jharkhand).
20. Rampravesh Ram Son of Late Mahadeo Ram, Resident of Tola Bhai Bigha, Village- Haidarnagar, P.O. and P.S- Haidarnagar, District- Palamu



(Jharkhand).

21. Yugesh Das Son of Late Ranjit Das, Resident of Village- Baisa, Pipra Baisa, P.S.- Baisa, District- Khagaria (Bihar).
22. Kailash Mahato Son of Govind Mahato, House No.36, Tagore Hill Road, Morabaadi, P.S. and District- Ranchi.
23. Arun Kumar Saroj Son of Sant Narayan Chatirvedi, Resident of Village Harihar Dihara P.S.- Kochas, District- Rohtas.
24. Vijay Kumar Son of Late Shivnandan Prasad, 216 Second floor Indira Bihar Delhi, P.S. Mukharjee Nagar, District- North West Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Joint Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. The Additional Chief Secretary, Department of Finance, Government of Bihar, Patna.
6. The Additional Chief Secretary, Department of General Administration, Government of Bihar, Patna.
7. Bihar Public Service Commission, through its Secretary, 15, Bailey Road, Patna.
8. The Chairman, Bihar Public Service Commission, 15, Bailey Road, Patna.
9. The Secretary, Bihar Public Service Commission, 15, Bailey Road, Patna.

... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Sr. Advocate Mr. Gunjan Kumar Jha, Advocate Mr. Sandeep Kumar, Advocate Ms. Ankita Tripathi, Advocate
For the Respondent/s	:	Mr. Nalin Vilochan Tiwary, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-03-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.



2. The present writ petition has been filed by the petitioners with the following reliefs:-

“(i) For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the Respondents to grant the petitioners benefit of old pension scheme which was in existence prior to 01.09.2005.

(ii) For issuance of an order, direction or writ including writ in the nature of Mandamus commanding the Respondents to make payment of all the post-retirement benefits of the petitioners including pension, gratuity, leave encashment, provident fund and group insurance as per the old pension scheme.

(iii) For issuance of an appropriate declaration holding that since the petitioners are appointees against the advertisement no. 01/1990 issued by the Bihar State Subordinate Service Selection Board as such the old pension scheme which was existing at the time of advertisement would be applicable to the petitioners and not the new pension scheme.

(iv) For issuance of an appropriate declaration holding that once the issue has been firmly and finally settled by this Hon'ble Court in the case of Ashok



Kumar Sharma and others Vs. The State of Bihar and others (CWJC No. 22232 of 2018) that appointees of the same selection process shall be governed by the old pension scheme which was in operation on the date of advertisement. The respondents were under obligation to extend the benefit of old pension scheme to all the similarly situated employees and not only to the petitioners of CWJC No. 2232 of 2018.

(v) For issuance of an order, direction including writ in the nature of Mandamus commanding the respondents to issue the necessary notification granting the benefits of old pension scheme to the petitioners without any further delay.

(vi) For any other reliefs to which the petitioner may be found entitled in the facts and circumstances of the present case.”

3. Learned counsel for the petitioners submits that the petitioners are entitled for old pension in the light of decision passed by this Hon’ble Court contained in Annexure-P/4. Counsel submits that vide Annexure-P/7, the petitioners have filed representation before the authority. He further submits that by letter, which is contained in Annexure-P/8, only 36 officials were granted benefit and petitioners were not



granted the benefits due to this wrong decision. According to him, the mandamus can be issued if persons are similarly situated.

4. Learned Counsel for the State, on the other hand, submits that from Annexure-P/8, it becomes clear that it is issued on 27.02.2025 by which the petitioners were aggrieved as it is categorically applicable only on 36 officials, whose names are already mentioned. Counsel for the State further submits that almost all the reliefs they have demanded are in the nature of mandamus but after creation of cause of action i.e., on 27.02.2025. It appears that petitioners have not filed even a single representation before the authority concerned.

5. In view of the submissions, this Court finds merit in the argument of the State and the representation on which the petitioners are putting emphasis is without date or without receiving. Therefore, this Court is not treating the said Annexure-7 as representation. Hence, this writ petition is hereby disposed off granting liberty to the petitioners to file fresh representation before respondent No.2 within 30 days from today, showing all the points which he has raised in the writ petition and respondent No.2, the Additional Chief Secretary, Revenue and Land Reforms Department,



Government of Bihar, Patna, is hereby directed to pass a reasoned and speaking order on the representation of the petitioners within 90 days thereafter.

(Dr. Anshuman, J)

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