

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.828 of 2021

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Ranjit Sinha, aged about 84 years, Son of Late Deoki Prasad Sinha, Resident of Village Barahpathar, Ward No. 15, Samastipur Municipality, Police Station Samastipur, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Education, Human Resources Development, Government of Bihar, Patna.
2. The Secretary, Department of Education, Human Resources Development, Government of Bihar, Patna.
3. The Director, Secondary Education, Human Resources Development, Government of Bihar, Patna.
4. District Education Officer, Begusarai.
5. The District Treasury Officer, District Begusarai.
6. The Chief Accountant General, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Choudhary Shyam Nandan, Advocate
For the State	:	Ms. Abhanjalli, AC to GA 12
For the AG	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

14 08-07-2025 Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

“1. That, this Writ Petition is being filed for the issuance of writ/ Writs. Order/Orders, direction/directions. Command/Commands and further for the issuance of writ in the nature of issuance of mandamus directing the Respondent Authorities specially Respondent no. 2,3 and 6 for fixation of salary, for upgraded promotional post as Guzzetted cadre as Head master/ Principal from the date of promotion and calculate the pay from 31. 10.94 up to the date of superannuation i.e. 31.1.1997 as served o promotional post by petitioner and after calculation the total upgraded salary and the same be calculated the difference amount with paid to the petitioner in that tenure and after calculation the differential less payment make the same released in favour of petitioner; petitioner further prays for



refixation of retiral admissible dues including pension amount on last month admitted upgraded salary and the said differential pensionary month to month amount be also released in favour of petitioner with direction to grant and release upgraded / refixed revised pension amount in favour of petitioner where as in pursuance of pension and retiral dues fixed in pursuance of this Hon'ble Court issued in CWJC No. 9069/1998 dated 16.2.1999 on representation made by the petitioner to Respondent Director Secondary Education (Respondent no. 2 of earlier writ) released in favour of petitioner and petitioner further prays for grant of interest over the holding of admissible dues in light of pension calculated on upgraded promotional pay scale if permissible, in accordance with law and the Petitioner further prays for grant of any other relief/reliefs for which the petitioner found entitled in the facts and circumstances of this case be also given."

2. A supplementary counter affidavit has been filed on behalf of the State in which it has been admitted that the petitioner joined the promotional post on 22.05.1995 and the petitioner became entitled for the benefit from the said date. However, in paragraph no.7 it has been informed that the petitioner was given the benefit of senior selection grade in Scale of Rs.1050-1820 and subsequently the same was granted provisionally in scale of Rs.2200-4000 with effect from 01.01.1986. No information relating to entitlement of the petitioner for fixation of his pension in pay matrix level 8 has been given in the counter affidavit.

3. Inaction on part of the respondents / State is also reflected from the counter affidavit filed on behalf of the



Accountant General, respondent no.6, wherein a vague statement has been made that on the basis of his actual pay, the authority has sanctioned the pension and there is no necessity for further revision of pension.

4. Record reveals that the petitioner has filed a detailed representation in light of the order dated 16.02.1999 passed in CWJC No.9069 / 1998 but the authority concerned has not considered to fix the pension of the petitioner in pay matrix level 8 (Rs.47600-15110). Aggrieved by the order contained in memo No.2324 dated 27.09.1999, the petitioner has filed the present writ petition.

5. In view of the grievance of the petitioner, I find that in absence of any reason assigned by which representation of the petitioner has been disposed of, the same requires re-consideration by considering his entitlement in level 8 scale and fix the pension on the basis of prevailing rules and circulars of the Government in this regard and if any revision is required, the same should be sent to the Accountant General, Bihar for fixing the pension of the petitioner.

6. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

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