

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.215 of 2021

-
1. PRABHU MISTRI SON OF LATE SHANKAR SHARMA RESIDENT OF RAVI PAKRI, WARD NO.12, PIPRA PAKRI, POLICE STATION BETTIAH MUFASSIL DISTRICT EAST CHAMPRARAN
 2. Nand Kishore Pandey Son of Faujdar Pandey Resident of Village- Taranian, Police Station- Chakiya, District- West Champaran
 3. Rajeshwar Prasad Yadav Son of Late Nathuni Yadav Resident of Village- Phujharia, Police Station- Bathnaha, District- West Champaran
 4. Rajendra Prasad Yadav Son of Late Mukhlal Prasad Yadav Resident of Village- Phujharia, Police Station- Bathnaha, 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

with

Civil Writ Jurisdiction Case No. 37 of 2021

1. Anil Kumar Jaiswal Son of Sri Rajendra Prasad, Resident of Chhota Malahi, Ward No.1, Post Office-Balua Rampurva, Police Station-Bairia, District- West Champaran.
2. Satyendra Prasad Son of Vishwanath Prasad Resident of Siswaria, Post Office-Lauriya, P.S. Lauriya District-West Champaran.
3. Ravindra Prasad Yadav Son of Late Hardeo Prasad Resident of Village- Gauripur, Police Station-Manatar, District-West Champaran.
4. om Prakash Prasad Sono f Late Chandrika Prasad Resident of Phujharia, Post Office-Bathnaha, Police Station-Bairiya, District-West Champaran.



5. Kamleshwar Prasad Son of Late Ramdeo Yadav Resident of Phujharia, Police Station-Bairiya, District-West Champaran.
6. Brij Kishore Prasad Yadav Son of Late Ramugrah Yadav Resident of Mallaha, Police Station-Srinagar, (Pujha Path Jhorwa), District-West Champaran.
7. Suresh Prasad Son of Jangi Raut Resident of Kachari Tola, Jaukalia, Police Station-Majhauria, District-West Champaran.
8. Triveni Yadav @ Triveni Prasad Yadav Son of Late Ghar Bharan Yadav Resident of Bijwaria, Police Station-Sarista (O.P.), District-West Champaran.
9. Hiranman Yadav Son of Late Jadu Yadav Resident of Bathnaha, Police Station-Bathnaha, District-West Champaran.
10. Sidhnath Tiwary, Son of Late Badrinath Tiwary, Resident of Malki, Patna, Police Station-Paliganj, District-Patna.
11. Hemant Singh Yadav Son of Madhavi Prasad Yadav Resident of Majhuria, Police Station-Srinagar, District-West Champaran.
12. Vijay Prasad Yadav Son of Chandra Deo Yadav Resident of Malahi, Post Office-Malahi, Police Station-Srinagar District-West Champaran.
13. Md. Kaishar Ansari, Son of Md. Illahi, Resident of Village-Raghopur, Post Office-Raghopur, Police Station-Jurawanpur, District-Vaishali, Hajipur

... .. 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, Ramlakhan Singh Yadav College, Bettiah

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 691 of 2021

1. Lal Bahadur Roy Son of Late Ram Bilash Roy Resident of Chakpahar,



Police Station- Tajpur, District- Samastipur.

2. Indra Dev Ray Son of Late Tapsi Roy Resident of Maniari, P.S.- Maniari, District- Muzaffarpur.
3. Ajeet Kumar Yadav Son of Late Basu Dev Narayan Yadav Resident of Kamarganj, Post Office and Police Station- Kamarganj, District- Bhagalpur.
4. Bijli Prasad Ray Son of Late Dhanesh Prasad Ray Resident of Chaumikha, Ward No. 02, Post Office- Chaumukha, Police Station- Yogapatti, 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, Ramlakhan Singh Yadav College, Bettiah.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1514 of 2021

Shambhu Prasad Yadav Son of Late Dharichhan Prasad Yadav Resident of Village- Naraipur, Police Station- Bagha, 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 :

(In Civil Writ Jurisdiction Case No. 215 of 2021)

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate.

For the State : Mr. J. K. Roy No.1, SC-13.

For the University : Mr. Indrajesh Kumar, Advocate.

(In Civil Writ Jurisdiction Case No. 37 of 2021)

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate.

For the State : Mr. Subhash Chandra Mishra, SC-16

For the University : Mr. Zaki Haider, Advocate.

(In Civil Writ Jurisdiction Case No. 691 of 2021)

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate.

For the University : Indrajesh Kumar, Advocate.

For the State : Mr. Shankar Kumar Thakur, AC to GP-27.

(In Civil Writ Jurisdiction Case No. 1514 of 2021)

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate.

For the Respondent/s : Mr. Shankar Kumar Thakur, AC to GP-27.

For the University : Mr. Nikhil Kumar Agrawal, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 08-07-2025 Heard the parties.

2. As the issue involved in aforesaid writ petitions are similar, they are being disposed of by a common order.

3. 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.

4. Petitioners have further drawn attention of the order dated 24.03.2025 passed in C.W.J.C. No. 14035 of 2021. 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 of the above writ petitions 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.

5. With the above observation and direction, the writ petitions stand disposed of.



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

(Purnendu Singh, J)

mantreshwar/-

U			
---	--	--	--

