

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.103 of 2020

In
Civil Writ Jurisdiction Case No.14847 of 2015

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Kailash Prasad Roy S/o Late Luxmi Roy Resident of Village- Srimatpur, P.S.-
Pirpainty, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Human, Resources Development, Patna Bihar.
2. The Secretary, Higher Education, Govt. of Bihar, Patna.
3. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar, District-Bhagalpur.
4. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur Dist-Bhagalpur.
5. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
6. The Deputy Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Lalit Kishore (Ag)
For the TMBU	:	Mr.Vijeta Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-06-2025 Heard the parties.

2. The present petition has been preferred for :-

“That the instant Review Petition is being preferred by the Review Petitioner for Review of Order dated 22.09.2017 passed in CWJC No. 14847 of 2015 by Hon'ble Mr. Justice Ajay Kumar Tripathi (As he then was), whereby and where under His Lordships has been pleased to pass following order :-

"Counter Affidavit on behalf of the university has been duly served and



filed.

Details of payments made to the petitioner have been indicated in paragraph nos. 3 and 4. However, stand has been taken in the said affidavit that since the number of years of service of the petitioner does not add up to qualifying period of service of 10 years, no pension is payable.

In view of the above position, which is not rebutted, there cannot be any direction for payment of pension for a period of service of 9 years and 25 days only.

Writ Application stands dismissed.”

3. The petitioner wanted the pension after his retirement in SSB College under Tilka Manjhi Bhagalpur University, the writ court in its order took into account the fact that the appointment of the petitioner took place in the year 2003, he retired in the year 2011 and as such, holding that the number of years does not add up to 10 years, the writ petitioner was accordingly dismissed. Aggrieved the petitioner moved this Court again by filing a review petition on the ground that he was initially appointed in the year 1979 in the said college and thus taking into account the aforesaid facts, he has been in service for



more than 10 years and accordingly the order needs review.

4. The Court has perused the different annexures of the review petitions as also the writ petition and wanted the learned counsel for the petitioner to produce the appointment letter of the year 2003 which is not part of the record. Learned counsel however, is unable to provide the same. The 1979 letter has got no meaning if in the year 2003, it was a fresh appointment and the fact that the petitioner has chosen not to produce the same either in the writ petition and/or the review petition clearly shows that only to safeguard its interest, it being the fresh appointment, the same was not attached.

5. Learned counsel for the petitioner submits that the letter of appointment of the year 2003 should have been deemed to be accepted as letter of absorption and absence of the said document in the file does not make any difference.

6. There is no error in the order of the writ court. The review petition is accordingly dismissed.

(Rajiv Roy, J)

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