

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.101 of 2020

In
Civil Writ Jurisdiction Case No.14510 of 2015

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Bisundeo Paswan S/o Late Beshi Paswan Resident of Village- Ekchari Purab
Tola, P.S.- Kahalgaon, 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 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. 14510 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 :-

"Any claim for pension can only arise provided a government servant has



put in a minimum number of years in service. The qualifying service for pension is 10 years.

Whatever may have been the manner of engagement and continuance of the petitioner in the college, in question, what emerges is that the petitioner came to be appointed on a substantive basis and his service was given legality in the year 2003. It is a case of fresh appointment against the vacancy available in the college or the university, in question, and since his superannuation was in the year 2011, the number of years of service between 2003-2011 does not add up to 10 years.

The submission made on behalf of the petitioner that his past service may have been considered for his absorption for pension based on a Division Bench judgment, which has been annexed as Annexure - 4 to the rejoinder of the petitioner to the counter affidavit filed on behalf of Respondent No. 3, is a misplaced reliance, because the facts of the case of the present petitioner is totally different from the case on which the Division Bench had occasion to examine.

The appointment of the petitioner is unambiguous and in view of



the same, the period of service of the petitioner will be counted from the year 2003 and not before that. Writ Application has no merit. It is 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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