

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10091 of 2025

Sumitra Devi Wife of Late Raghuvansh Narayan Kunwar Resident of Village-
Dumri, P.O.- Dumri, P.S.- Patori, District- Samastipur, Bihar, Pin- 848506.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education Department, Govt. of Bihar, New Secretariat, Patna.
4. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, G.M.R.D. College, Mohanpur Via Bhaghra, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar, Adv. Mrs. Aradhana Kumari, Adv. Mr. Akash Deep, Adv.
For the Respondent/s	:	Mr. Gopal Krishna, AC to Govt. Pleader (02)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

6 27-11-2025 Heard Mr. Vikas Kumar, learned counsel for the

petitioner and Mr. Gopal Krishna, learned AC to Government

Pleader-2 for the respondents-State.

2. The present writ petition has been preferred for the
following relief(s):-

*“(i) For quashing of order
contained in Memo No.594 dated
20.02.2023 issued by Director Higher
Education, Govt. of Bihar, Patna
whereby and where-under the*



appointment of 17 teachers including petitioner's husband namely late Raghuwansh Narayan Kunwar, has been held illegal and it has been decided that no benefit will be given to the aforesaid 17 teachers.

(ii) For quashing of letter contained in Memo No.SC/47/23 dated 22.02.2023, whereby and where-under petitioner has been informed that in the light of order issued by Education Department, Govt. of Bihar, Patna contained in Memo No.594 dated 20.02.2023 no benefit shall be given to the petitioner's husband namely late Raghuwansh Narayan Kunwar with immediate effect.

(iii) For direction to the respondent authorities to make payment of arrears of pension from 22.02.2023 up to the date of death of husband of petitioner i.e. on 20.09.2024 and thereafter, pay the arrears of family pension and current family pension as pension of husband of petitioner was stopped by the respondent authorities because of issuance of aforesaid letters.

(iv) For any other



relief/reliefs on the facts and circumstance of the present case for which petitioner pre entitled too.”

3. Learned counsel for the petitioner submits that the original petitioner, namely, Raghubansh Narayan Kunwar was appointed as Lecturer in the subject of History in GMRD, College at Mohanpur, District-Samastipur vide appointment letter dated 04.03.1975 which is affiliated to Lalit Narayan Mithila University, Darbhanga and the petitioner's husband is said to have joined the service on 10.03.1975. After completing satisfactory service and attaining the age of superannuation, the husband of the petitioner got retired on 31.01.2003 from the aforesaid post. It has next been submitted that after retirement, regular pension was approved by the University vide letter no. PC/S-15 dated 16.08.2023 and continued to receive the regular pension till the date of issuance of order dated 20.02.2023 issued by the Director, Higher Education, Government of Bihar, Patna.

4. It has next been submitted that the husband of the petitioner was also promoted during the said period on the post of Reader but his pension was not revised. Then the petitioner's husband vide representation dated 07.09.2017 agitated the issues



and instead revising his pension, all of a sudden, Director, Higher Education, Government of Bihar issued an order as contained in Memo No. 594 dated 20.02.2023 by which the services of this petitioner as well as other similarly situated persons were held to be illegal and the regular pension which was allowed in favour of this petitioner's husband was stopped.

5. It has further been submitted that the order passed by the Director, Higher Education, Government of Bihar as contained in Memo No. 594 dated 20.02.2023 based on which, the regular pension of this petitioner was suddenly stopped, became the subject matter of challenge in CWJC No. 5914 of 2023 which was heard along with CWJC No. 9131 of 2022 and the following orders were passed:-

“10. Similarly, the petitioner being aggrieved by Memo No. 594 dated 20.02.2023, issued by the Director Higher Education, Government of Bihar, Patna, whereby and whereunder the appointment of 17 teachers, including the petitioner has been held illegal and it has been decided that no benefit shall be given to the aforesaid 17 teachers, preferred the present writ petition, seeking quashing of the same. The petitioner also sought quashing of the letter contained in Memo No. SC/45/23 dated



22.02.2023, whereby she has been informed that in the light of the afore-noted order dated 20.02.2023 issued by the Education Department, Patna, no benefit shall be given to her with immediate effect.

11. It is the case of the petitioner that she was appointed as a Lecturer in the Music Department in the Women's College, Samastipur on 01.07.1977. Further, the State Government vide its letter contained in Memo No. 30 dated 08.01.1982, has sanctioned a second post of Lecturer in the subject of Maithali, Music, Urdu and Sociology in the pay-scale of Rs. 700-1600 in the Mahila College, Samastipur. Accordingly, the post of the petitioner as Lecturer was duly sanctioned by the State Government. It is also the case of the petitioner that her case was duly considered for the purpose of absorption under 3rd Absorption Statute by the Chancellor, but some of the teachers were absorbed while those of 13 teachers. including the case of the petitioner was left pending. Further in the light of the orders rendered by this Court in Devendra Rai (supra) and Shashi Kant Prasad Singh (supra), the case of the petitioner was duly considered along with others by the Chancellor, The University vide letter no. 1278/16 dated 05.08.2016,



directed the Principal of Women's College, Samstipur to furnish necessary information regarding the petitioner. In response thereto, the Principal of Women's College, Samastipur wrote a detailed letter to the Registrar of the University with a recommendation for regularization of service of the petitioner as she has been working as an Assistant Professor since last several decades.

12. Pursuant to the aforesaid direction and recommendation made by the Post Creation, Absorption and Confirmation Committee dated 22.01.2016 and subsequently approved by the Syndicate dated 23.01.2016 and further by the direction of the Chancellor dated 24.08.2017, the services of the petitioner was regularized on the post of Assistant Professor, Department of Music, Women's College, Samastipur w.e.f. 15.09.1982 vide Memo No. 3340-72/16 dated 23.09.2016 (Annexure-11 to the writ petition).

13. It is further case of the petitioner that on being regularized as noted hereinabove, the petitioner was allowed time bound promotion to the post of Reader w.e.f. 15.09.1992 vide Notification contained in Memo No. SC/3696-3707/17 dated 18.10.2017. Further, the petitioner has also



been accorded promotion to the post of Reader and accordingly the pay-scale of the petitioner was also revised and finally, she superannuated on 31.10.2017.

14. Having been superannuated, her pension was also fixed and paid to her regularly. However, all of a sudden after five years of her retirement, the impugned order contained in Memo No. 594 dated 20.02.2023 came to be passed by the Director, Higher Education, Government of Bihar.

15. It is to be noted that vide order of this Court in CWJC No. 5914 of 2023 dated 26.04.2023, the operation of the impugned order as contained in Memo No. 594 dated 20.02.2023, has been directed to be kept in abeyance.

16. Learned advocates appearing on behalf of the petitioners, while assailing the common impugned order contained in Memo No. 594 dated 20.02.2023 issued by the Director, Higher Education, Government of Bihar, holding the regularization of the petitioners illegal, submitted that admittedly the second post of Lecturer in both the cases were sanctioned by the State Government w.e.f. 1981 and 1982, respectively and the College in question had already been given affiliation in the subject of Sociology as well



as Music from much earlier. The delay in regularization of service of petitioners was caused by the inertness of the respondent(s) and thus the petitioners cannot be blamed that regularization took place after 37-40 years of their appointment. The petitioners have justified their regularization in view of the order passed in CWJC No. 17021 of 2008 by submitting that the Bihar State Litigation Policy-2011, especially clause 4-C(1) provides that it is not required for each and everyone to approach the Hon'ble Court for an issue that has been settled by the Court. Therefore, the petitioner cannot be questioned for claiming parity with the similarly situated case of the writ petitioners. Reliance has been made to a full Bench decision of this Court in the case of Amresh Kumar Singh v. State of Bihar & Anr. [L.P.A. No. 1028 of 2007] reported in 2018 (2) PLJR 929.

17. Learned counsel for the petitioners further submitted that the University had fixed the pay-scale of the petitioners, which was admissible pay-scale of Lecturer in UGC scale with admissible increment and payment has been made to the petitioners accordingly. All the more, in each and every financial year, the University prepares budget in which the name of the



petitioners are included and the same is also approved by the State Government. Thus, by granting approval, the State Government, has acknowledged the services of the petitioners as legal. The impugned order passed by the Director, Higher Education, Government of Bihar, after five years of the retirement of the petitioners without there being any proceeding or even any show-cause notice or affording an opportunity of hearing, is apart from illegal, wholly without jurisdiction, and non est in the eyes of law.

18. It is further submitted that the action of the respondents in passing the impugned order is not at all sustainable in view of the judgments rendered by this Court in the cases of Ranju Devi v. State of Bihar [1999(3) PLJR 504] and Dr. Naw Kant Thakur v. Bhupendra Narayan Mandal University, Madhepura & Ors. [CWJC No. 12868 of 2015]. Further submission has been made that the right to pensionary benefit is a constitutional right and as such cannot be taken away without proper justification as has been held in the case of State of Jharkhand & Ors. v. Jitendra Kumar Srivastava & Anr. [(2013) 12 SCC 210]. Similar reliance has also been made on a judgment rendered by the Apex Court in the case of R. Sundaram v. The Tamil Nadu State



Level Scrutiny Committee & Ors, [Civil Appeal No. of 2023 (Arising out of /2023 Diary No. Special Leave Petition (Civil No. 15448/2020)], (2023 SCC Online SC 287) referring to para-23 of the aforesaid judgment, submission has been made that any person, whose entire identity, and their past, present and future rights are challenged, must at the least be given an opportunity to be fairly heard. If such a right has been denied to the petitioner(s), the burden of proof lies upon the respondent(s) to disprove the legality of regularization.

19. Counter affidavits have been filed on behalf of the respondent/State as well as the respondent/University.

20. It is contended on behalf of the respondent/State that on being found irregularity by the Pay Verification Cell vide Memo No. 1535 dated 16.06.2022, the Department of Education had constituted a Three Member Committee to inquire into the legality of regularization of service of 17 teachers including the petitioners as was done by the University. Prior thereto, the Department also vide its letter no. 190 dated 03.02.2022 had directed the Pay Verification Cell to immediately postpone the pay verification certificate issued to the petitioners and further vide letter no. 204



dated 04.02.2022 has sought an explanation from the Registrar of the University for the alleged irregularities in regularization of service of the petitioner after 37 years of his service. It is further submitted that the appointment of the petitioner to the post of Assistant Professor in Sociology on 17.11.1979 was on non-sanctioned post and thus regularization of the petitioner's service was not legal. Moreover, the case of the petitioners is not covered by the order dated 16.11.2010 and 18.11.2010 passed in CWJC No. 17021/2008 (Devendra Rai v. L.N. Mithila University & Ors.) and CWJC No. 7550/2009 (Shashi Kant Prasad Singh v. The State of Bihar & Ors.) nor can the appointment of the petitioners be considered irregular as per direction contained in para-44 of the Secretary, State of Karnataka and Others v. Uma Devi [(2006) 4 SCC 1] rendered by the Hon'ble Apex Court.

21. Learned counsel for the State has further made reliance on a judgment rendered by this Court in Dr. Shiv Narayan Yadav v. The State of Bihar & Ors. [2001(2) PLJR 817] and submitted that the temporary teachers cannot be regularized under any of the statutes. He next submitted that in making regularization in question, the permission of the State has not been



obtained, which is required under Section 35 of the Act and as the very appointment of the petitioners is, void ab initio, there cannot be any regularization in view of the mandate of the Apex Court in Secretary, State of Karnataka and Others (supra). Further reliance has also been made on the judgment rendered by the Apex Court in M.P. State Co-operative Bank Ltd. v. Nanuram Yadav [(2007) 8 SCC 264] as also the State of Bihar v. Devendra Sharma [(2020) 15 SCC 466].

22. On the other hand, learned counsel for the University, referring to the averments made in its counter affidavit, submitted that the claim of the parity by the petitioners with Devendra Rai and Shashi Kant Prasad Singh is rather misplaced, as the petitioners of the present writ petitions were not even as a party to the writ petitions. He further submitted that the State Government vide letter no. 15/M-05/2022-24 dated 04.02.2022 instructed the University to inquire as to how the service of the petitioner, who was not even appointed on a sanctioned post, was regularized after 37 years by issuing a notification dated 26.09.2016. The respondents lastly submitted that in order to inquire the legality of the regularization of the petitioners, a



Three Men Committee was constituted and on whose recommendation, the pension of the petitioners and 16 other teachers were directed to be stopped and the regularization of the petitioners has been found illegal and consequently their pension have been stopped.

23. This Court has meticulously heard the learned counsels for the parties and also perused the materials available on record.

24. Admittedly, the petitioners were appointed sometime in the years 1977 and 1979, respectively against the non-sanctioned post which were later on sanctioned in the year 1981 and 1982, respectively.

25. It is needless to observe that the learned Chancellor and the Absorption Committee, which was constituted by the Chancellor, made a recommendation and sent the list before the Vice Chancellor for considering their cases for absorption under 3rd Adsorption Statute. From the said list, the Chancellor approved the name of some of the teachers for absorption and the cases of some of the teachers, including the petitioners, remained pending due to some technical reasons, but that has never been turned down leading to filing of the writ



petition by one of the identically situated person in CWJC No. 17021 of 2008, which was disposed of vide order dated 16.11.2010. The learned single Judge while disposing the writ petition, had directed the respondent/University to consider the case of the petitioner in the light of the observations made by the Constitution Bench in para-44 of the said judgment.

26. It is apt to observe that the Constitution Bench in the case of Secretary, State of Karnataka and Others (supra), had directed the Union of India, the State Government and their instrumentalities to take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from the date of the judgment and further clarified that regularization, if any already made, but not subjudice, need not be reopened based on this judgment.



27. Thus, in view of the mandate of the Constitution Bench, it was incumbent upon the respondent authorities to consider the claim of the petitioners for their regularization, who have been uninterruptedly discharging their duties to their respective post(s) in the Colleges for more than several decades.

28. This Court has also perused the affidavits filed on behalf of the respondent/University as well as the State. However, it has not been found even a whisper that the case of the petitioners are different from those, who were appointed pursuant to the direction of the Hon'ble Court that their cases be considered in the light of the judgment rendered in the case of Secretary, State of Karnataka and Others (supra), especially in para-44 of the judgment.

29. The petitioners have rightly relied upon the State Litigation Policy, 2011, especially clause 4.C which reads as follows:

4.C. Covered Matters

4.C(1). A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant



employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants."

30. Further the afore-noted clause 4.C(1) of the Bihar State Litigation Policy, 2011 has also been taken note of and approved by the full Bench of this Court in the case of Amresh Kumar Singh (supra), wherein the full Bench has held in para-8 of the said judgment as follows:

"8. We are conscious of the law laid down in the case of Uma Devi (supra) and various other legal issues that are involved in the matter, but the fact remains that in the case of thirty employees who were dealt with under similar circumstances, not only similar, but under identical situations, twenty-eight employees, by virtue of the orders passed in the writ petitions and L.P.A's have been reinstated and it is only two persons who are litigating the matter. The Bihar State Litigation Policy, 2011, as indicated hereinabove, mandates that all similarly situated employees should be granted the benefit of covered matters and if



orders of the Court have been implemented in case of certain litigants, it should be implemented in respect of all other identically situated persons. If the State Litigation Policy is to be implemented, we have no hesitation in holding that the present respondents should also be dealt with in identical fashion i.e. respondent Surendra Prasad Mahto @ Surendra Pd. Mahto in L.P.A. No. 1509 of 2009 and the appellant Amarish Kumar Singh in L.P.A. No. 1028 of 2007 in identical situation and once on 21.04.2011 a Division Bench of this Court in all other cases has granted benefit to the employees, there is no reason to go into the legal questions involved in the matter and answer them when we find that in the cases of twenty-eight employees the benefit has been granted to them by virtue of the orders passed by this Court."

31. It is to be noted that as regards the right to equality guaranteed under Article 14 of the Constitution of India, the position is well settled that the said right ensures equality amongst equals and its aim is to protect persons similarly placed against discriminatory treatment. In fact, it means that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed.



32. *In the aforesaid legal premise, it can be said that petitioners, who are equally identically situated to those of Devendra Rai and Shashi Kant Prasad Singh, cannot be treated differently than too when the authorities never objected to the petitioners working and made payment to them from the government fund and also promoted them during their service period. The petitioners have rightly made reliance upon the judgment rendered by this Court in Ranju Devi (supra) and Dr. Naw Kant Thakur (supra), where in identical situation, this Court had held that subsequent to the retirement, the respondents both the State and the University cannot take a plea that the petitioners had worked on a non-existing post(s) when the services of the petitioners were duly regularized by the University and they have also promoted and being paid from the government funds and allowed to superannuate unconditionally.*

33. *If an employee has been accorded all the benefits of a regular employee, viz, regular salary in the prescribed pay-scale, increment, promotion leading to regularization and unconditional superannuation with all the retiral benefits, he is obviously a regular holder of the post. If their services is to be terminated or*



regularization is to be cancelled, State Government should have resorted to statutory rules and regulation, applicable to them. Thus, once a right has been created or vested in favour of the petitioners, that cannot be divested unilaterally, in such a casual and cavalier manner without giving any show cause notice or proper opportunity of hearing.

34. So far the reliance of the State respondents on the judgment rendered by the learned Division Bench in the case of Dr. Shiv Narayan Yadav (supra) is concerned, the same is quite distinguishable with the present case as in the present case, the regularization took place in the light of the Constitution Bench judgment, in the case of Uma Devi (supra), specially para-44, basing upon which services of other identically situated persons have been regularized. Moreover, the provision regarding regularization of the services of the petitioners had the support of law and now it cannot be termed their appointment/regularization void ab initio after five years of their retirement. The other judgments relied upon by the State respondents are on similar line of illegal appointment, thus not applicable in the facts of the present case.



35. Time without number, the highest Court of the land in a catena of judgments has held that the right to pensionary benefit is a constitutional right and as such cannot be taken away without proper justification. It would be proper to quote paragraphs-15 and 16 of the judgment rendered in the case of *The State of Jharkhand (supra)*.

"15. In *State of W.B. v. Haresh C. Banerjee* [(2006) 7 SCC 651: 2006 SCC (L&S) 1719] this Court recognized that even when, after the repeal of Article 19(1)(f) and Article 31(1) of the Constitution vide Constitution (Forty-fourth Amendment) Act, 1978 w.e.f. 20-6-1979, the right to property no longer remained a fundamental right, it was still a constitutional right, as provided in Article 300-A of the Constitution. Right to receive pension was treated as right to property. Otherwise, challenge in that case was to the vires of Rule 10(1) of the *West Bengal Services (Death- cum Retirement Benefit) Rules,*

1971 which conferred the right upon the Governor to withhold or withdraw a pension or any part thereof under certain circumstances and the said challenge was repelled by this Court.

16. The fact remains that there is



an imprimatur to the legal principle that the right to receive pension is recognized as a right in "property"... Once we proceed on that premise, the answer to the question posed by us in the beginning of this judgment becomes too obvious. A person cannot be deprived of this pension without the authority of law, which is the constitutional mandate enshrined in Article 300-A of the Constitution. It follows that attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced."

36. Admittedly, the impugned order holding the regularization of the petitioners to be illegal after five years of their retirement, when there was obvious severance of employer and employee relationship, in no stretch of imagination, can be said to be justified under any law, all the more when the same has been passed without there being any proceeding or in compliance of the principles of natural justice. It is a trite law that no person can be condemned unheard. Any order causing prejudice to the right and entitlement, leading to civil and evil consequences must be in consonance with the principles of



natural justice.

37. In view of the submissions advanced on behalf of the parties and the aforesaid settled legal position, this Court has no hesitation to set aside the impugned order(s) as contained in Memo No. 594 dated 20.02.2023 issued by the Director Higher Education, Government of Bihar, Patna, so far it relates to the petitioners as also the letter no. 249 dated 07.02.2022 (Annexure-14 to the C.W.J.C. No. 9131 of 2022) issued by the University.

38. Accordingly, both the writ petitions stand allowed.

39. There shall be no order as to cost(s).”

6. Learned counsel for the petitioner next submits that during pendency of the instant writ petition, the Department of Education has come out with one office order contained in Memo No.496 dated 18.02.2025 by which the compliance of order passed by the Co-ordinate Bench has been made with a caveat that this may not be treated as a precedent and the imputation so made is writ large from the order dated 18.02.2025, which in fact is causing an impediment for the respondents in considering the claim of this petitioner.



7. Learned counsel for the petitioner by referring to paragraphs 9 and 10 of the impugned order dated 18.02.2025 submits that the State Authority had attempted to file Letters Patent Appeal against the order passed by the Co-ordinate Bench in *CWJC No. 5914 of 2023 [Sharda Sinha (Padmabhushan) v. The State of Bihar & Ors]* decided along with *CWJC No. 9131 of 2022 (Dr. Uday Chandra Mishra v. The state of Bihar & Ors)* and in view of the opinion rendered by the learned Advocate General, Bihar that this case is not fit to be agitated before the higher forum and accordingly, in view of the opinion of the learned Advocate General, the compliance of the directions issued by the Co-ordinate Bench in the aforementioned writ petitions were made and the benefits in terms of the directions issued by the Co-ordinate Bench was accorded in respect of the petitioners of the said writ petitions.

8. Learned counsel for the Respondents, at this stage, by referring to the statement made in the counter affidavit submits that during course of consideration of claim of this petitioner, it was found that the appointment of the husband of the present petitioner was made through local advertisement and therefore, the appointment which is said to have been obtained by the husband of the petitioner is not in conformity with the



mandate of Article 14 of the Constitution of India. Referring to paragraph-21, it has next been submitted by the State counsel that the Full Bench of this Hon'ble Court *vide* order dated 01.02.2013 passed in CWJC No. 267 of 2010 reported in **2013(1) PLJR 964** and other analogous cases has been pleased to sum up with the conclusions and answer the reference related with the issue of regularization and on such strength, he submits that Uma Devi judgment rendered by the Hon'ble Apex Court prohibits the regularization of daily wages, casual, ad-hoc and temporary appointments, the period of service would become irrelevant in such matter and further it has been contended that an illegal appointment which is void *ab initio* made contrary to the mandate of Article 14 without open competitive selection, cannot be regularized under circumstance.

9. Having heard the learned counsel for the parties and on careful consideration of the judgments relied upon by the counsel for the petitioner for being implemented in letters and spirit in the case of this petitioner insofar the judgment rendered with respect to ***Sharda Sinha of CWJC No. 5914 of 2023*** as reported in **2014 (1) PLJR 725** is concerned, it is quite evident that all the grounds so advanced for justifying rejection has already been addressed by the Co-ordinate Bench in the



aforesaid referred cases and on adjudication made, the due compliance has also been done and the writ petitioner of that case, who being similar to the petitioner has been allowed benefit, for which this writ petition has been filed and on facts, the husband of the petitioner was appointed as Lecturer in the subject of History in GMRD, College at Mohanpur, District-Samastipur in the year 1975 as against the sanctioned post and by duly constituted Committee pursuant to the Advertisement issued by the respondent themselves, and insofar the sanction of post against which appointment of this petitioner's husband is concerned, it has been accepted by the Directorate of Education by passing the order to the effect, as contained in Memo No.594 dated 20.02.2023, which goes to show that the post against which the appointment of this petitioner's husband was made, was duly sanctioned and there is a categorical finding that with respect to other 15 teachers, their appointments were made against non-sanctioned posts while the post with respect to this petitioner's husband as well as that of one Shashi Shekhar Jha were sanctioned.

10. Considering the fact that all these issues have already been considered by a Co-ordinate Bench of this Court and there being absorption statute brought into place for



regularizing the services of such teachers, which also fell for consideration by the Co-ordinate Bench, pursuant to which the judgment has been rendered with respect to ***Sharda Sinha (supra)***, which squarely covers the case of this petitioner and as also the compliance with respect to the similarly situated persons, have already been carried out by allowing the benefits of pension and pensionary benefits to continue in their favour and accordingly, there should not be any reason to deny the said benefits to this petitioner and as such, this Court taking cue from the judgement rendered by the Co-ordinate Bench, where the issues in dispute of the similar nature having been given quietus by the Co-ordinate Bench which finds favour on facts and law, this case is also required to be considered in similar terms and as such, the order passed with respect to this petitioner *vide* Memo No. 594 dated 20.02.2023 and its consequential order, which is appended with the writ petition as Annexure P/2 (Memo No. 47/23 dated 22.02.2023) are hereby quashed and the case of this petitioner is also directed to be considered in similar terms and the benefits, which have been allowed in favour of ***Sharda Sinha (supra)*** be also extended to this petitioner within a period of eight weeks from the date of production/receipt of a copy of this order.



11. The writ petition stands allowed.

(Ajit Kumar, J)

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