

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11198 of 2025

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1. Ranjeeta Prakash, Singh D/o Late Om Prakash Singh, R/o Vill-Surya Mill, Station Road, P.O. and P.S.-Fatuha, District-Patna.
 2. Rakesh Kumar, S/o Late Prakash Prasad, R/o Vill-Madhopur, P.O.-Madhyara, P.S.-Deepnagar, District-Nalanda.
 3. Rakesh Kumar, s/o Late Suresh Prasad Diwakar, R/o Vill-Moghal Kuwan, P.O.-Sohsarai, District-Nalanda.
 4. Kanihya Lal Malakar, S/o Late Yogendra Prasad Malakar, R/o Vill-Shringarhat, P.O.-Sahsarai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar at Patna.
2. The Secretary, Finance Department, Govt. of Bihar at Patna.
3. The Commissioner, Trihut Division, Muzaffarpur.
4. The District Magistrate, Vaishali at Hajipur.
5. The District Planning Officer, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Praveen Ranjan, Adv.
For the Respondent/s : Mr. Standing Counsel (22)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2025 Heard the parties.

2. The petitioners before this Court are the Lower Division Clerk who were duly appointed pursuant to an advertisement bearing no. 1304 of 2004. Having faced all the rigors of selection, the petitioners were duly appointed vide letter no. 09/2006/86 dated 11.08.2006.

3. Learned Advocate for the petitioners submitted that admittedly the advertisement was published much before coming into force of New Pension Scheme, with effect from



01.09.2005, with respect to the vacant and sanctioned posts, occurring prior to the afore-noted date, hence the claim of the petitioners for treating their service under Old Pension Scheme was imperative. However, the same has not been done; in the aforesaid premise, the petitioners have approached this Court by filing the present writ petition, seeking a direction to extend the benefit of Old Pension Scheme in view of the resolution issued by the Finance Department, Government of Bihar dated 28.11.2023. For redressal of the grievance the petitioners have also filed a representation before the Additional Chief Secretary, Finance Department which was duly received in his office on 25.04.2023, but the same has not been considered and disposed off till date.

4. Learned Advocate for the State refuted the contention of the petitioners and submitted that *prima facie* the resolution does not come to rescue of the petitioners.

5. Be that as it may, considering the materials available on record and the submissions set forth, the present writ petition stands disposed off with a direction to the Additional Chief Secretary, Finance Department, Government of Bihar, Patna to consider the representation of the petitioners, the copies of which is placed on record as Annexure P/6 and



bring to its logical conclusion in accordance with law,
preferably within a period of 4 months from the date of
receipt/production of a copy of this order.

6. The writ petition stands disposed.

(Harish Kumar, J)

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