

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.441 of 2025

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Manoj Kumar Jha Son of Bhupnarayan Jha Resident of Bhaghwa, Ward No.-
11, Gopalpur, Saharsa, Gopalpur, P.S.- Balwahat, District- Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Secondary Education, Bihar, Patna.
5. The Regional Deputy Director, Koshi Division, Saharsa.
6. The District Education Officer, Saharsa.
7. The Programme Officer (Establishment), Saharsa.
8. The Accountant General, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ansh Prasad, Advocate
		Ms. Aishwarya Shankar, Advocate
For the State	:	Mr. Subhash Chandra Mishra (SC-16)
For the AG	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-01-2025 Heard Learned Counsel for the petitioner, Learned Counsel for the State and Learned Counsel for Accountant General, Patna.

2. The present writ petition has been filed for the following relief/s:-

“1. For commanding the respondent authority to grant petitioner the benefit of Old Pension Scheme (Government Provident Fund) instead of Contributory



Pension Scheme (Contributory Provident Fund) under the New Pension Scheme.

II. For commanding the respondent authorities to treat the appointment of the petitioner prior to 01.09.2005 (i.e. on 30.05.2005) for the purpose of application of his service condition in the Old Pension Scheme (Government Provident Fund).

III. For commanding the respondents to dispose of by a reasoned order, the representation dated 02.12.2023 (Annexure-P/8) and representation dated 07.06.2024 (Annexure-P/9) which is pending consideration before the Regional Deputy Director, Koshi Division, Saharsa; and

IV. For commanding the respondents to pay all the consequential benefits under the Old Pension Scheme and the Government Provident Fund.”

3. Learned Counsel for the petitioner submits that petitioner's father was posted as Assistant Teacher, Middle School, Rajanpur, Saharsa who died leaving behind his wife and son (petitioner) and after his death, petitioner has been appointed on compassionate basis. Counsel submits that



adhering to the order passed by this Hon'ble Court, the District Compassionate Appointment Committee again convened its meeting on 26.05.2005 under the chairmanship of District Officer, Saharsa and finally *vide* order dated 30.05.2005, contained in Memo No.86-1 made a recommendation to the District Education Officer, Saharsa to appoint the petitioner on Non-Teaching post of third grade. Thereafter, petitioner was appointed on the post of Clerk Grade-III on 24.02.2006. Counsel further submits that Circular has been published by the Government of Bihar by virtue of Memo No.1206 dated 28.11.2023 and further Regional Deputy Director, Saharsa received a letter with regard to providing Old Pension Scheme. Counsel further submits that the petitioner with a view to take Old Pension Scheme has filed two representations dated 02.12.2023 & 07.06.2024 annexed as Annexure-P/8 & P/9, but no decision has been taken till date. Therefore, petitioner has moved before this Hon'ble Court.

4. Learned Counsel for the State submits that a direction may be given to pass order on petitioner's representation.

5. Since, it is a policy matter of the State to provide Old Pension Scheme to the eligible person and petitioner's



representation is pending before the authority concerned, therefore, without entering into the merit or demerit of this case, Regional Deputy Director, Koshi Division, Saharsa (respondent no.5) is hereby directed to pass a reasoned and speaking order on the representations filed by the petitioner within 90 days from the date of production of this order.

6. It is made clear that petitioner shall be at liberty to raise/file fresh representation along with the judgments and Circulars which are necessary for the petitioner in support of his representation.

7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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