

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1186 of 2022

1. Rajesh Kumar Son of Nageshwar Kumar, resident of Village- Kulhariya, P.S.- Parbatta, District- Khagaria, presently posted as Rajashwa Karamchari, Anchal- Beldaur, District- Khagaria.
2. Dinesh Das, Son of Sarjug Das, resident of Village and P.O.- Aguavani, P.S.- Parbatta, District- Khagaria, presently posted as Rajashwa Karamchari, Anchal- Alauli, District- Khagaria.
3. Abhiraj, Son of Anil Singh, resident of Village- Bandehra, P.S. Pasraha, District- Khagaria, at present posted as Rajashwa Karamchari, Anchal- Alauli, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Khagaria.
4. The Circle Officer, Alauli, District - Khagaria.
5. The Circle Officer, Beldaur, District - Khagaria.
6. The Bihar Public Service Commission, Bailey Road, Patna.
7. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Prasad, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12
		Mr. Majid Mahboob Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 30-06-2026

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The petitioners have filed the instant application for
the following reliefs : (i) To notionally calculate the tenure of
service of the petitioners from the date they become entitled for



appointment and joining i.e. on 30.6.2004 pursuant to order no.1043 dated 30.6.2004 when persons similar to the petitioners were appointed, (ii) though the recommendation for appointment of the petitioners were made much prior to the cut-off date for the Old Pension Scheme i.e. 1.9.2005, however for no fault of the petitioners, they came to appointed only on 24.7.2007, therefore they be granted benefit under the Old Pension Scheme and (iii) for directing the respondents to grant the benefit of 1st ACP/MACP to the petitioners of Rs.5000-8000, Pay Band- 4200 calculating the tenure of the service period of the petitioners with effect from 30.6.2004.

3. The case of the petitioners in brief is that pursuant to the Bihar Public Service Commission ('BPSC' in short) coming out with an advertisement for appointment on Grade-III posts, the petitioners along with others applied for appointment on the post of Assistant, Clerk, *Jansevak*, V.L.W. etc. The petitioners along with others were successful and the District Magistrate, Khagaria issued a letter dated 30.6.2004 (Annexure-2) recommending 21 candidates found successful and eligible for appointment and which included the petitioner herein. However, the respondents proceeded to issue appointment letters only with respect to 11 candidates.



4. It is further case of the petitioners that one Sanjay Kumar Nirala moved this Court by filing CWJC no.12277 of 2004 which was disposed of by order dated 31.1.2007 directing the respondents to complete the entire process of selection/appointment within the time fixed. Subsequently the petitioners came to be appointed by the respondents by order dated 24.7.2007.

5. The petitioners having been appointed after the cut-off date for eligibility for a person to qualify under the Old Pension Scheme i.e. 1.9.2005, the petitioners were placed under the New Pension Scheme.

6. Bereft of unnecessary details, it may be mentioned here that as evident from the letter dated 24.4.2026 (Annexure-P/1 to I. A. no.2 of 2026) along with minutes of the meeting dated 11.7.2024 of the Committee headed by the District Magistrate, Khagaria, the petitioners herein were recommended by the Committee to be considered and given the benefit under the Old Pension Scheme, recommendations of their names having been made on 30.6.2004 itself. It further transpires from the letter dated 24.4.2026 that the said recommendation of the Committee headed by the District Magistrate, Khagaria has the approval/sanction of the Finance Department and the petitioners



have been held entitled for the benefit under the Old Pension Scheme.

7. In view of the facts of the case this Court directs that the benefits/dues of the petitioners shall be considered under the Old Pension Scheme pursuant to the stand of the respondent authorities approved by the Finance Department.

8. In so far as the grant of benefit of the 1st ACP/MACP calculating the tenure of service of the petitioners with effect from 30.6.2004 is concerned, this Court finds that though a representation has been filed by the petitioners, there has been no application of mind nor has any order been passed thereon by the respondent authorities.

9. In view of the above, the writ application is disposed of directing the petitioners to file a representation so far as the grant of 1st ACP/MACP payable to the petitioners is concerned calculating the tenure of service of the petitioners with effect from 30.6.2004.

10. The petitioners shall file a separate/individual fresh representation with respect to the above along with a copy of this order within a period of four weeks from today before the Collector-cum-District Magistrate, Khagaria (respondent no.3) who shall decide the same in accordance with law within a



period of three months from the date of its filing and
communicate the result thereof to the petitioners forthwith.

11. The writ application stands disposed of.

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.06.2026
Transmission Date	

