

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17628 of 2014

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Udeshwari Yadav, son of Late Shukdeo Yadav, resident of village Manikchak,
P.S. Banka, District Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna
3. The Additional Secretary, Personnel and Administrative Reforms, Govt. of Bihar, Patna
4. The Joint Secretary, Rural Works Department, Govt. of Bihar, Patna.
5. Chief Engineer, Rural Works Department, Barrak No.-2, Harding Road, Patna, Bihar.
6. District Magistrate, Banka.
7. Executive Engineer, Rural Works Department, Work Division, Banka-2.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh
For the Respondent/s : Mr. Prashant Pratap

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-02-2026

1. The petitioner has filed the instant application for the following relief(s):

“i. Issuance of a writ in the nature of Mandamus commanding the respondents to calculate the service period from 1975 and after that to sanction all the retiral dues alongwith pensionary benefits to the petitioner.

ii. Issuance of any other appropriate writ(s), order(s), direction(s) as may be deemed fit in the facts and circumstances of the case.”



2. At the very outset, the Learned counsel appearing on behalf of the respondents submits that the issue involved in the present writ petition is no longer *res integra*. It is contended that the issue stands squarely covered by the order dated 09.07.2021 passed by a Co-ordinate Bench of this Court in **CWJC No. 86 of 2019 (Ram Ekbal Mahto Vs. The State of Bihar & Ors.)**, wherein an identical issue was considered and adjudicated. The Learned counsel, therefore, submits that in view of the aforesaid judgment, the present writ petition may also be disposed of, in terms of the order dated 09.07.2021.

3. In **Ram Ekbal Mahto** (supra) this Court has held as follows:

“I have heard the learned counsel for the parties and gone through the materials on record. Considering the fact that as per the appointment letter of the petitioner dated 12.09.2009 as also according to the resolution of the Finance Department dated 31.08.2005, the



provisions of the Bihar Pension Rules, 1950 are not applicable to the petitioner and the petitioner is amenable to the new pension scheme, 2005, no relief can be granted to the petitioner inasmuch as firstly, his services are not pensionable and secondly, his past services rendered as a daily wage employee cannot be counted as a qualifying period for the purposes of grant of pension in view of the law laid down by the learned Full Bench of this Court in the case of **Bhagwan Singh** (supra) wherein it has been held that the service rendered by a daily wage employee is not a pensionable service and does not qualify for pension.

6. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present writ petition, hence, the same stands dismissed”



4. Having regard to the submissions made by the parties, the present writ petition stands dismissed in terms of the aforesaid order passed in Ram Ekbal Mahto **(supra)**.

5. Interlocutory Application(s), if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2026
Transmission Date	

