

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5868 of 2022

1. Vijay Kumar, son of Ganesh Thakur, Resident of Village-Nawadih, District-Aurangabad, posted at office of Sub Divisional Office, Aurangabad on the post of Clerk.
2. Ramji Yadav, son of Sri Jet Yadav, Resident of Village-Fesar, Rafiganj, District-Aurangabad, posted at Primary Health Centre, Madanpur, Aurangabad on the post of Peon.
3. Yamuna Yadav, son of Ganga Yadav, Resident of Village-Chhotki Bela, District Aurangabad, posted at Anchal Office Sadar Aurangabad on the post of Peon.
4. Dharmdev Narayan Singh, son of Ramchandra Singh, Resident of Village-Bhoja Bigha, District-Aurangabad, posted at Sub Divisional Office, Sadar, Aurangabad on the post of Peon.
5. Sirajuddin Ansari, son of Md. Usman, Resident of Village-Bishunpur, Baruna, District-Aurangabad, posted at District Establishment Branch, Aurangabad on the post of Peon.
6. Ghanshyam Singh, son of Ram Lakhan Singh, Resident of Village-Narsiha, District Aurangabad, posted at District Law Branch, Aurangabad on the post of Clerk.
7. Dhanjay Thakur, son of Ganesh Thakur, Resident of Village-Nawadih, District-Aurangabad, posted at Anchal Office, Sadar, Aurangabad on the post of Clerk.
8. Uma Yadav, son of Samru Yadav, Resident of Village-Chotki Bela, District-Aurangabad, posted at Primary Health Centre Nawinagar, Aurangabad on the post of peon.
9. Lalita Thakur, son of Ramgati Thakur, Resident of Village-Jagdishpur, Jamhaur, District-Aurangabad, posted at District Establishment Branch, Aurangabad on the post of peon.
10. Lalmohan Ram, son of Baidhnath Ram, Resident of Village -Jasoiaa Tole Kanhai Bigha, District-Aurangabad, posted at Block Office, Obra, Aurangabad on the post of Peon.
11. Basudev Thakur, son of Bipin Bihari Thakur, Resident of Village-Shahpur, District-Aurangabad, posted at District Najarat Branch, Aurangabad on the post of Clerk.
12. Md. Shamshad, son of Abdul Kayum, Resident of Village-Nawadih, District Aurangabad, posted at District Establishment Section, Aurangabad on the post of peon.
13. Lal Bahadur, son of Ramdev Yadav, Resident of Village-Raghunandan Bigha Dev, District-Aurangabad, posted at District Rajashwa Branch, Aurangabad on the post of Clerk.
14. Jitendra Kumar Singh, son of Maharaj Singh, Resident of Village-Udarna Kutumb, District-Aurangabad, posted at Block Office, Barun, Aurangabad on the post of peon.
15. Pandit Ram, son of Late Falguni Ram, Resident of village-Khairi, District-



Aurangabad, posted at District Supply Branch, Aurangabad on the post of Clerk.

16. Dev Kumar Singh, son of Babu Ram Singh, Resident of Village-Tadai Bharaunda Aamas, District-Gaya, posted at office of Superintendent, Sadar Hospital, Aurangabad on the post of peon.
17. Ram Naresh Kumar, son of Ramchandra Singh, Resident of Village-Goh, District-Aurangabad, posted at office of Primary Health Centre, Haspura, P.S.-Haspura, Aurangabad on the post of Peon.
18. Krishna Kumar Yadav, son of Ramrekha Yadav, Resident of Village-Chiraiya Tad Nima Aajaan, Madanpur, District-Aurangabad, posted at Office of Primary Health Centre, Jamhore, Aurangabad on the post of peon.
19. Dev Raj Ram, son of Kauleshwar Ram, Resident of Village-Dani Bigha, District-Aurangabad, posted at Office of Zila Samajik Suraksha, Aurangabad on the post of Clerk.
20. Umesh Prasad Kaandu @ Umesh Prasad son of Devilal Sau, Resident of Village-Pipardih, District-Aurangabad posted at office of Primary Health Centre, Deo, Aurangabad on the post of peon.
21. Bachchu Singh, son of Sukhdev Singh, Resident of Village-Kama Bigha, District-Aurangabad posted at office of Anchal Office, Madanpur, Aurangabad on the post of peon.
22. Ashok Prasad Gupta, son of Yugal Kishor Gupta, Resident of Village-Rawal Bigha, District-Aurangabad, posted at office of Sub Divisional Office, Aurangabad on the post of Clerk.
23. Ramparikha Sharma, son of Devraj Thakur, Resident of Village-Ekauna Navgad, District-Aurangabad, posted at office of Sub Divisional office, Aurangabad on the post of Clerk.
24. Dhanrajo Devi, W/o Late Salik Thakur, Resident of Village Block Mod, District-Aurangabad, posted at office of District Najarat Branch, Aurangabad on the post of peon.
25. Dilip Kumar, son of Late Ramjanam Singh, Resident of Village-Bishunpur Aamas, District-Gaya, posted at office of Additional Chief Medical Officer, Aurangabad on the post of peon.
26. Brijnandan Singh, son of Bivishan Singh, Resident of Village-Bishunpur Aamas, District-Gaya, posted at office of APHC, Tamrori, Barun, Aurangabad on the post of peon.
27. Sudama Prasad, son of Ramnath Prasad, Resident of Village-Viratpur, District-Aurangabad, posted at office of Sadar Hospital, Aurangabad on the post of peon.
28. Baiju Prasad, son of Saligram Prasad, Resident of Village-Viratpur, District-Aurangabadn, posted at office of Khad Nirikshak Office, Civil Surgeon, Aurangabad on the post of peon.
29. Surendra Kumar Sinha, son of Late Santan Prasad Singh, Resident of Village-Karma Road, District-Aurangabad, posted at Maleria Office, Aurangabad on the post of peon.
30. Kapil Dev, son of Ram Prasad Yadav, Resident of Village-Chandauli, District-Aurangabad, posted at office of Samudayik Health Centre, Barun,



Aurangabad on the post of peon.

31. Sanjay Thakur, son of Ganesh Thakur, Resident of Village-Nawaidh, District-Aurangabad, posted at office of Sadar Hospital, Aurangabad on the post of peon.
32. Arjun Yadav, son of Mahavir Yadav, Resident of Village-Chatra, District-Aurangabad posted at office of Health Centre, Baluganj, Deo, Aurangabad on the post of peon.
33. Vijay Prasad, son of Ramdev Sav, Resident of Village-Karma Road, District-Aurangabad posted at office of Primary Health Centre, Jamhore, Aurangabad on the post of peon.
34. Hiranman Chaudhary, son of Tapsi Chaudhary, Resident of Village-Shahpur, District-Aurangabad, posted at office of Primary Health Centre, Rafiganj, Aurangabad on the post of peon.
35. Ajay Kumar, son of Late Ramdev Sav, Resident of Village-Telia Pokhar, District-Aurangabad, posted at office of Zila Kusth Niwaran, Aurangabad on the post of peon.
36. Vijay Kumar Mehta, son of Chandradev Mehta, Resident of Village-Sargawa Dev, District-Aurangabad, posted at office of Primary Health Centre, Jamhore, Aurangabad on the post of peon.
37. Sanjay Kumar Gupta, son of Late Ramesh Sau, Resident of Village-Baratpur, District-Aurangabad, posted at office of Malaria Office, Aurangabad on the post of peon.
38. Sujeet Kumar Sinha, son of Late Hiradhar Prasad, Resident of Village-Baratpur, District-Aurangabad posted at office of Primary Health Centre, Madanpur, Aurangabad on the post of peon.
39. Rajesh Kumar, son of Rampati Bhargat, Resident of Village-Darzi Mohalla, District-Aurangabad, posted at office of Sadar Hospital, Aurangabad on the post of peon.
40. Md. Najim Ansari, son of Mahfuj Aalam, Resident of Village-Jagatpur Baruna, District-Aurangabad, posted at office of Sadar Hospital, Aurangabad on the post of peon.
41. Shivnarayan Prajapati, son of Dasrath Prajapati, Resident of Village-Raghunandan Bigha Dev, District-Aurangabad, posted at office of Sadar Hospital, Aurangabad on the post of peon.
42. Ramdev Prasad Verma, son of Baijnath Sav, Resident of Village-Gandhinagar, District-Aurangabad, posted at office of Malaria Officer, Aurangabad on the post of peon.
43. Satyendra Kumar Yadav, son of Vindeshwar Yadav, Resident of village-Salempur, District-Aurangabad, posted at office of APHC, Kutumba, Aurangabad on the post of peon.
44. Saryu Thakur, son of Kanhai Thakur, Resident of Village-Bela, District-Aurangabad, posted at office of Additional Chief Medical Officer, Aurangabad on the post of peon.
45. Ishwar Dev Kumar, son of Girija Prasad, Resident of Village-Chiraiya, District-Jamui, posted at office of Primary Health Centre, Nawinagar, Aurangabad on the post of peon.



46. Manoj Kumar, son of Ramdev Yadav, Resident of Village-Raghunandan Bigha Dev, District-Aurangabad, posted at office of Maleria Office, Aurangabad on the post of peon.
47. Dukhan Ram @ Dukhan Paswan son of Jagdish Paswan, Resident of Village-Raghunandan Bigha Dev, District-Aurangabad, posted at office of Primary Health Centre, Rafiganj, Aurangabad on the post of peon.
48. Rajesh Thakur, son of Bhuneshwar Thakur, Resident of Village-Kosdihra Navinagar, District-Aurangabad, posted at office of Primary Health Centre, Barun, Aurangabad on the post of peon.
49. Sunil Kumar, son of Late Shyam Sundar Singh, Resident of Village-Bishunpur Aamas, District-Gaya, posted at office of Primary Health Centre, Goh, Aurangabad on the post of peon.
50. Nathun Yadav, son of Sankar Yadav, Resident of Village-Chotki Bela, District-Aurangabad, posted at office of Sadar Hospital, Aurangabad on the post of peon.
51. Arjun Ram, son of Tapeswar Ram, Resident of Village-Dani Bigha, District-Aurangabad, posted at office of Sadar Hospital, Aurangabad on the post of peon.
52. Md. Kasir Ahmad @ Md. Kasir son of Md. Aminuddin, Resident of Village-Jhikatiya Rajoi, District-Aurangabad, posted at office of Primary Health Centre Bhadwa, Rafiganj, Aurangabad on the post of peon.
53. Ashok Kumar Chaudhary, son of Amrit Chaudhary, Resident of Village-Dihri, PO-Madhopur Tekari, District Gaya, posted at office of Civil Surgeon, Aurangabad on the post of peon.
54. Lav Kumar Chaudhary, son of Late Sagar Chaudhary, Resident of Village-Hussainabad Kumvi Tola Japla Palamu, District-Aurangabad, posted at office of Referral Health Centre, Deo, Aurangabad on the post of peon.
55. Rakesh Kumar Singh, son of Ramlakhan Singh, Resident of Village-Narsiha, District-Aurangabad, posted at office of Primary Health Centre, Deo, Aurangabad on the post of peon.
56. Rampati Thakur, son of Late Bakhora Thakur, Resident of Village-Sadipur Dihri Obra, District-Aurangabad, posted at office of Primary Health Centre, Rafiganj, Aurangabad on the post of peon.
57. Umesh Prasad-II, son of Late Badri Prasad, Resident of Village-Nawadih, District-Aurangabad, posted at Office of Primary Health Centre, Nawinagar, Aurangabad on the post of peon.
58. Ranjit Yadav, son of Ramlagan Yadav, Resident of Village-Jasoiaa, District-Aurangabad, posted at office of Primary Health Centre, Haspura, Aurangabad on the post of peon.
59. Madhusudan Mishr, son of Krishna Kumar Mishr, Resident of Village-Gihra Pawai, District-Aurangabad, posted at office of Primary Health Centre, Obra, Aurangabad on the post of peon.
60. Anand Kumar Mishra, son of Gangadhar Mishra, Resident of Village-Karma Road, District-Aurangabad, posted at office of Primary Health Centre, Deo, Aurangabad on the post of peon.
61. Suryanath Singh, son of Late Shivchand Singh, Resident of Village-Khaira



Baruna, District-Aurangabad, posted at office of Primary Health Centre,
Barun, Aurangabad on the post of peon.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
4. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
5. The Director in Chief, Health Department, Govt. of Bihar, Patna.
6. The District Magistrate, Aurangabad.
7. The Civil Surgeon-cum-Chief Medical Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dinu Kumar, Adv.
Mr.Vardaan Mangalam, Adv.
For the Respondent/s : Mr.Dhurendra Kumar, AC to GP5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-01-2026 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. Learned Counsel for the petitioners submits that the
present writ petition has been filed with the following reliefs:-

*A. For commanding the respondents for
keeping the petitioners under old pension scheme
as per Bihar Pension Rule, 1961, and General
Provident Fund which was existing at the time of
advertisement on 30.08.1995 and preparation of
panel on 22.04.1999, much prior to taking birth of
Bihar Government Karamchari Anshdayi Pension
Yojna, 2005 known as New Pension Scheme on
31.08.2005 which was came into effect from*



01.09.2005.

B. To hold and declare the petitioners are entitled to receive to get the benefit of old pension scheme and General Provident Fund after deleting the names of the petitioners from Bihar Government Karamchari Anshdayi Pension Yojna, 2005 which was came into effect from 01.09.2005 and in the list of Contributory Provident Fund (CPF) opened in the name of the petitioners.

3. Counsel for the petitioners further submits that an old pension scheme be granted to all the petitioners and with this limited prayer, he has filed the present writ petition.

4. Counsel for the State submits that during pendency of the present writ petition, subsequent development took place and with regard to said development, a circular from Finance Department, Government of Bihar bearing Memo No.1206 (pension) dated 28.11.2023 has been published.

5. Counsel further submits that with the said memo as contained in the counter-affidavit, the petitioners have filed reply to the counter-affidavit and according to the said counter-affidavit, they have filed representations before the respondent authorities, but no decision has been taken till date.

6. In the light of the submissions made, it is clear to this Court that the writ petition has been filed in the year 2022 and the said circular from Finance Department, Government of



Bihar has been published bearing Memo No.1206 (pension) dated 28.11.2023 and with regard to that a common representation has been filed in which it has been mentioned that no order has been passed by the respondent authorities.

7. Hence, the present writ petition is hereby disposed off directing the petitioners to file their individual representation before the concerned authority of their respective department showing their eligibility in the light of said circular issued by the Finance Department, Government of Bihar bearing Memo No.1206 (pension) dated 28.11.2023, within 30 days from today along with this order and the concerned authority with respect to the petitioners, shall pass a reasoned and speaking order within 90 days after receiving their individual representation.

8. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J)

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