

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5954 of 2025

Md. Jakir son of Late Sukar Mohammad, resident of village -Bikrampur, P.O.
and P.S. Bihpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The Chief General Manager, State Bank of India, Branch ACB, Jhandapur, District -Bhagalpur.
5. The Assistant General Manager, State Bank of India, Branch ACB, Jhandapur, District -Bhagalpur.
6. The Senior Treasury Officer, Bhagalpur, District - Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K Mangalam, Adv. Mr.Awnish Kumar, Adv.
For the Respondent/s	:	Additional Advocate General (7)
For AG, Bihar	:	Mr. Raj Nandan Prasad, Mr. Vishesh Kumar Singh, Advocates
For SBI	:	Mr. Rakesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 09-04-2026 Heard Mr. S.B.K Mangalam, learned counsel for the petitioner, learned counsel for the State, learned counsel representing the Accountant General, Bihar, Patna and learned counsel appearing for the State Bank of India.

2. The writ petition has been preferred for the following relief(s):-

“1) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 03.05.2024 issued



under the signature of the Respondent no.4 and contained in his letter no. M/24-25/70653 dated 03.05.2024, whereby and where under he has directed the petitioner for refund of Rs.27,27,039/- to his pension account which was wrongly paid to him because of wrong calculation of his entitlement for Old Age Pension, and on failure he has warned the petitioner that for adjustment of the said amount apart from monthly deduction, his account can also be put on hold.

(II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities for release of pension to the petitioner and also to allow him to operate his Bank Account having Account No.11725758641 by removing the hold from the same, on the ground that the excess payment which has been paid to the petitioner was released by the authorities



after calculation by themselves and if it is not a case of misrepresentation leading payment.

III) For a declaration that when an excess amount is paid to a retired employee without any fault/ fraud /misrepresentation on his part, the excess amount paid to him cannot be recovered and he cannot be stopped from withdrawing his pension by putting hold upon operation of his Bank Account.

iv) For issuance of any other appropriate writ/writs, order / orders direction/ directions for which the writ petitioner would be entitled under the facts and circumstances of the case.

3. Learned counsel representing the petitioner submits that the issues have already been put at rest by the Co-ordinate Bench in the case of ***Rameshwar Ram v. The Union Of India & Ors*** passed in ***CWJC No. 288 of 2023***.

4. On the other hand, learned counsel for State Bank of India and as also learned counsel for the State submit that



since the issues have already been given a quietus in light of the order so passed in the case of *Rameshwar Ram (supra)*, the authorities may be directed to take final decision.

5. In view of the aforesaid judgment, it is expected that final decision shall be taken and the amount for which the authorities are entitled to, will be withheld and the rest amount shall be paid to the petitioner within a period of two weeks from today and the petitioner would not be subjected to any further hindrance in operating his bank account.

6. In case, such decisions are not taken within two weeks, then the petitioner will be at liberty to file an Interlocutory Application for revival of the writ application.

7. The writ petition stands disposed of.

(Ajit Kumar, J)

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