

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7641 of 2026

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Shyam Kumar Pandey S/o Late Nawal Kishore Pandey, Resident of Village-Subhash Nagar, Roa No.-3 Bibiganj Bhagwanpur, P.S. - Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna, Bishweshwaria Bhawan, Bailey Road, Patna.
3. The Executive Engineer, National Highway Division, Motihari.
4. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Mishra, Advocate Mrs. Rachna Kumari, Advocate Mr. Rajiv Ranjan Pandey, Advocate
For the Respondent/s	:	Mr. Government Advocate (11)
For the AG Bihar	:	Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*(i) For direction upon the respondents
authorities concerned to grant and pay disability
pension to the petitioner who is physically disabled
(visual disabled/speech and hearing disabled and
has 90% (ninety percent) permanent (physical
impairment/visual impairment speech and hearing
impairment in relation to his whole limbs both eyes
and both ears)*

(ii) For direction upon the respondents



authorities concerned to grant disability pension along with its arrear with effect from the date of his entitlement with all consequential benefits.

(iii) The petitioner further prays before this Hon'ble Court for direction upon the respondents authorities concerned to grant any such other relief or reliefs for which the petitioner is found legally entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner is multiple disabled person who is having 90% of disability and incapable to move and walk of his own and cannot discharge any physical work. The petitioner's very livelihood remained dependent on his father's pension as he himself is unable to do any work due to his complete disablement. In order to buttress his submission, learned counsel has invited the attention of this Court to the State Government Circular contained in Memo No. 416 dated 06.06.2025, which deals with issues relating to disability and the applicability of pension to the dependents of a deceased employee.

4. It has next been submitted that the petitioner's father died on 22.05.1993 and his mother predeceased his father on 24.10.2018 and after death of his father and mother, he being physically disabled was entitled for family pension.

5. Taking into consideration the fact that the petitioner's disability was tested by an authority, who is



competent in law and appropriate disability certificate has been issued by the person who is an authorized person by the Department of Empowerment of Persons with Disabilities, Ministry Of Social Justice and Empowerment, Government of India and the Board which is said to have assessed the disability and has mentioned his date of birth as well as the extent of disability by recording its percentage, cannot be questioned by any other persons, who are not expert to make any comment over such certificate.

6. Admittedly, the said certificate is issued by a body competent in law, which cannot be questioned in any manner and needs to be respected taking a very sympathetic view in order to provide source of livelihood to this disabled person protecting his right to life which is guaranteed by the Constitution of India.

7. Considering the aforesaid, the authorities competent in law is directed to act upon the disability certificate provided by the competent authority *vide* certificate No. 430 issued by the Civil Surgeon-cum-Chief Medical Officer, Muzaffapur, dated 07.11.2007 within a period of six weeks from the date of such representation appending all supportive materials to get the issues decided by them and consequential



benefits arising out of such decisions shall also be extended in
favour of this petitioner with all arrears, without any delay and
preferably within four weeks from such consideration.

8. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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