

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6613 of 2026

1. Binod Kumar Son of Bhawani Prasad Sinha, Residing At- Flat No.- 503, Kedar Palace Society, Near Milian Marriage Garden, P.O.- Karorichak, P.S.- Phulwari Sharif, District- Patna, Pin- 801505 (Bihar) Permanent Address- C/O Bimla Sinha, Village- Srichand Nawada, P.O. and P.S.- Jamui, District- Jamui, Pin- 811307 (Bihar).
2. Sanjay Kumar Vyas, Son of Late Anandi Singh Yadav, Residing At- Anand Vihar Colony, East Of Bairiya, P.O.- Bairiya, P.S.- Gopalpur, District- Patna, Pin- 800007 (Bihar) Permanent Address- Behind Hotel Gulmarg, Quamruddinganj, P.O.- Bihar Sharif, P.S.- Laheri, District- Nalanda, Pin- 803101 (Bihar).
3. Amit Kumar, Son of Sri Manohar Lal, Residing At and Permanent Address- Mittan Ghat, Gurhatta, P.O.- Jhauganj (Patna City), P.S.- Khajekalan, District- Patna, Pin- 800008 (Bihar).
4. Pankaj Kumar, Son of Late Parmanand Prasad Sinha, Residing At and Permanent Address- Parmarth, Mithila Colony, Digha, P.O.- Bataganj, P.S.- Nasriganj, District- Patna, Pin - 800018 (Bihar).
5. Sunil Kumar, Son of Late Bishram Bhagat, Residing At- Block No. C-II, Flat no. 202, High Court Residential Complex, Budh Marg, P.O.- G.P.O., P.S.- Kotwali, District- Patna, Pin- 800001 (Bihar) Permanent Address- Adarsh Colony, West Patel Nagar, P.O.- Keshri Nagar, P.S.- Shastri Nagar, District- Patna, Pin- 800024 (Bihar).
6. Umesh Kumar Chaudhary, Son of Late Ram Chandra Chaudhary, Residing At- Bank Colony, Mithapur, Near Aryabhata University, Indira Nagar, P.O.- G.P.O., P.S.-Jakkanpur, District- Patna, Pin- 800001(Bihar) Permanent Address- Mohalla Sahokhar, P.O. and P.S.- Sohsarai, District- Nalanda, Pin- 803118 (Bihar).
7. Sebastian Bhasker, Son of Late Satya Prakash, Residing At and Permanent Address- Banskothi, Gate No. 94, In Front Of Devi Mandir, P.O.- Digha, P.S.- Digha, District- Patna, Pin- 800011 (Bihar).
8. Awadhesh Kumar, Son of Sri Birju Prasad, Residing At- Gyatri Nagar, P.O.- G.P.O., P.S.- Bishunpur Pakri, 70 Feet Road, Patna, Pin-800002(Bihar) Permanent Address- Village- Ugawan, P.O.- Ugawan, P.S.- Asthawan, District- Nalanda, Pin- 811103 (Bihar).
9. Amit Kumar Gupta, Son of Sri Brij Mohan Prasad Gupta, Residing At- Block No. 16, Flat No.- 02, High Court Residential Complex, Budh Marg, P.O.- G.P.O., P.S.- Kotwali, District- Patna, Pin- 800001 (Bihar) Permanent Address- 503, Laxmi Niwas Apartment, Jagat Narayan Road, P.O. and P.S.- Kadamkuan, District- Patna, Pin- 800003 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna
2. The Additional Chief Secretary, General Administration Department,



Government of Bihar, Patna.

3. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.
4. The Law Secretary-cum-Legal Remembrancer, Law (Judicial) Department, Government of Bihar, Patna.
5. The Hon'ble High Court of Judicature at Patna through the learned Registrar General, Patna High Court, Patna.
6. The Learned Registrar General, Hon'ble Patna High Court, Patna.
7. The Learned Registrar (Establishment), Hon'ble Patna High Court, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Raghwanand (GA-11)
For the PHC	:	Ms. Surya Nilambari, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2026 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Patna High Court.

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

“I. For setting aside the communication contained in Letter No. 6615/(J) dated- 18.10.2024 through which the applications of the petitioners for rendering the benefit of Old Pension Scheme to the Petitioners as they are not governed by the provisions of New Contributory Pension Scheme introduced on 01.09.2005 were rejected stating therein that the State Government has not adopted Office Memorandum No. 57/05/2021-P & PW (B) dated- 03.03.2023.



II. For issuance of a writ in the nature of Mandamus or any other appropriate writ for commanding the respondent authorities to adopt Office Memorandum No. 57/05/2021- P & PW (B) dated- 03.03.2023 and provide benefit of Old Pension Scheme to the petitioners and also direct the authorities to get the contributions of petitioners in New Contributory Pension Scheme credited to their G.P.F. Accounts.

III. And/or for any other relief or reliefs to which the petitioners may be found entitled to in course of hearing of this writ application.”

3. Learned counsel for the petitioners submit that the order contained in Letter No. 6615/(J) dated- 18.10.2024 (annexed as Annexure-P/8) has to be quashed and further prayer has been made for issuance of writ of mandamus directing the respondent authorities to adopt the Office Memorandum No. 57/05/2021- P & PW (B) dated- 03.03.2023 (annexed as Annexure-P/4).

4. Learned counsel appearing for the Patna High Court submits that the decision of the government has been communicated to the petitioners by virtue of Annexure-P/8. Counsel submits that Annexure-P/8 is basically not an order, rather, it is a correspondence in which the State Government has



taken a decision that since, the said office memorandum which the petitioners seeks to implement through State Government has not been adopted by the State Government. Therefore, counsel submits that such correspondence cannot be challenged.

5. Learned counsel for the State submits that the request of the petitioners for mandamus has been made, but for implementation of the said office memorandum, till date, petitioners have not made any representation.

6. In this view of the matter, this Court is of the view that Annexure-P/8 is basically a correspondence and it cannot be challenged before this Court. Liberty is granted to the petitioners that they may file representation before the State Government through proper channel for implementation of the said office memorandum which has not been adopted by the State Government.

7. As such, this writ petition stands disposed off with the aforesaid liberty.

(Dr. Anshuman, J)

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