

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.697 of 2025**

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Baij Nath Ram Son of Late Bira Ram, Resident of Village and Post- Bagwa  
Via Garhani, P.S.- Garhani, District- Bhojpur, State of Bihar, Pin- 802203.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Old Secretariat, Patna- 800001.
2. The Principal Secretary, Government of Bihar, General Administration Department, Old Secretariat, Patna-800001.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Akshay Kumar, Advocate  
For the Respondent/s : Mr. Swapnil Kumar Singh, A.C. to G.P.-19

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 24-02-2026**

This writ petition has been filed by Mr. Baij Nath  
Ram, seeking the following relief(s):-

*(i) For quashing the order dated  
23.08.2024 of Govt of Bihar, Communicated  
through the Letter No. 7/ मुक्र० 08-19/2021 सा० प्र०  
13528 dated 28.08.2024 by the seal and signature  
of Sunil Kumar Tiwari, Under Secretary of Govt. of  
Bihar, General Administration, contained in  
Annexure-P/8 to this petition.*

*(ii) For directing the respondents to  
restrain them from illegal and unauthorized  
withholding of pension of the petitioner in old*



*pension scheme without any proper reason and fault of the petitioner.*

*(iii) For directing the respondents that they must accept the petition of the petitioner for converting his pension from New Pension Scheme to old pension scheme and also to pay the entire amount of arrear within a short time limit.*

*(iv) For directing the respondents to stop harassing the petitioner by their arbitrary, illegal and prejudiced acts.*

*(v) And/or to pass any order/orders which may deem fit in the light of facts mentioned hereinafter.*

2. It is the case of the petitioner that he appeared in the competitive examination for the 24th Bihar Judicial Service pursuant to vacancies advertised/notified in the year 1990 by the Bihar Public Service Commission vide notification dated 11.10.1990. The petitioner was declared successful and subsequently participated in the interview conducted on 06.05.1994. His name was included in the merit list of successful candidates prepared after the interview.

3. It is the further case of the petitioner that he received a letter dated 16.08.2005 under the seal and signature of the then Under Secretary in the Department of Personnel and Administrative Reforms, Government of Bihar, Patna, directing



him to appear on 06.09.2005 along with all educational and academic certificates in connection with his appointment to the post of Munsif on the basis of the aforesaid 24th Bihar Judicial Service Examination and he appeared on 06.09.2005, where his certificates were duly checked, verified, and found to be correct and genuine. Thereafter, he received another letter dated 16.08.2005 appointing him as Munsif, subject to medical fitness. The petitioner underwent the required medical examination, and the medical report was forwarded to the Department of Personnel and Administrative Reforms, Patna.

4. It is the further case of the petitioner that his appointment was formally notified by the Department of Personnel and Administrative Reforms, Government of Bihar, vide notification dated 07.03.2006. In continuation thereof, the High Court issued notification dated 20.05.2006, posting him as Temporary Munsif at Buxar. The petitioner successfully completed his one-year probation period and thereafter, he continued to serve in various districts/judgeships in the State of Bihar. Ultimately, after rendering more than ten years of service, he was superannuated from the post of Chief Judicial Magistrate, Saharsa on 31.01.2019.

5. It is the further case of the petitioner that the



judicial officers belonging to the 24th Batch were appointed in different phases, through different notifications, between the years 1995 and 2006. However, all such appointments were made from the same merit list and against the same vacancies that had been advertised in the year 1990.

6. According to the petitioner, the delay in his appointment and joining was neither deliberate nor attributable to him. Such delay occurred on account of pendency of Special Leave Petition before the Hon'ble Supreme Court and thereafter due to certain administrative reasons, which were wholly beyond the control of the petitioner.

7. It is the further case of the petitioner that the Government of India discontinued the Old Pension Scheme for employees appointed on or after 01.01.2004 and introduced the New Pension Scheme with effect from 01.01.2004. The Government of Bihar adopted the said policy. Since the petitioner joined service after 01.01.2004, i.e., after the introduction of the New Pension Scheme, he was inducted under the New Pension Scheme and, consequently, he retired under the said scheme.

8. It is the further case of the petitioner that, on the basis of the same merit list, certain officers who joined service



prior to 01.01.2004 were granted the benefit of the Old Pension Scheme. However, other similarly situated officers, including the petitioner, who could not join service before 01.01.2004 and joined belatedly for reasons beyond their control, were brought under the New Pension Scheme by the State Government and consequently inducted thereunder.

**9.** It is the further case of the petitioner that the Government of Bihar took a decision to remove ambiguities and discrepancies in respect of employees who were selected against vacancies that existed prior to 01.01.2004 and whose selection process had been completed before the cut-off date, but whose joining was delayed due to administrative reasons or pendency of cases before judicial forums, resulting in their joining service only after 01.01.2004.

**10.** It is the specific case of the petitioner that he fulfilled all the parameters and conditions prescribed under the relevant notifications for being covered under the Old Pension Scheme. However, his case was not considered appropriately, and his representation seeking inclusion under the Old Pension Scheme was rejected without proper justification. The grounds urged by the petitioner is that the process of his selection had been completed prior to 01.01.2004 and that his joining was



delayed due to administrative hurdles and pendency of cases before judicial forums, which were beyond his control and therefore, he is entitled to relief sought for.

**11.** The respondent–State has filed a counter affidavit stating, inter alia, that the petitioner was appointed as Munsif in the year 2006 against a non-joining vacancy in compliance with the order of this Court. It is further stated that the petitioner was not appointed on the basis of the first merit list but was appointed in the year 2006 against a vacancy that arose due to non-joining, and at that point of time, the new pension scheme was in force.

**12.** In the counter affidavit, it has been specifically stated that the petitioner had earlier approached this Court seeking substantially similar relief by filing C.W.J.C. No. 11323 of 2021. The said writ petition was dismissed by a Division Bench of this Court vide order dated 21.02.2023. The respondents have placed reliance upon the said judgment, which has been annexed as Annexure–R/A to the counter affidavit.

**13.** Learned counsel for the respondents emphatically contended that since the petitioner’s earlier writ petition seeking identical relief has already been dismissed by a Division Bench, the present writ petition is not maintainable and



the relief sought for cannot be granted.

**14.** Having considered the aforesaid submission, we find that the fact of filing of the earlier writ petition and its dismissal by a Division Bench are not in dispute. The relief sought in the present writ petition is substantially similar to the relief claimed in the earlier writ proceeding. Once the issue has already been adjudicated by a competent Division Bench of this Court, the same cannot be reconsidered in the present proceeding.

**15.** Even otherwise, it is not in dispute that the petitioner was appointed after 01.09.2005, i.e., after the New Pension Scheme came into force. The petitioner was superannuated on 31.01.2019 and remained governed by the New Pension Scheme throughout his service tenure. Therefore, the order passed in C.W.J.C. No. 11323 of 2021 clearly covers the issues involved in the present case.

**16.** In view of the dismissal of the earlier writ petition filed by the petitioner seeking similar relief, and since the issue has already been adjudicated by a Division Bench of this Court, we are of the considered opinion that the present writ petition is not maintainable and no relief can be granted to the petitioner.



17. Accordingly, the writ petition being devoid of merits, stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Neha/-

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