

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24518 of 2018

1. Santosh Kumar S/o Late Awadhesh Prasad Resident of Village-Musnapur,Post Kansari,P.S. Gaurichak,Dist.-Patna
2. Rajesh Kumar Chouhan S/o Sri Umashankar Chouhan Resident of Village-Jaso (Railway Gumti) Post Buzar,P.S. Muffassil,Dist.Buxar
3. Yogendra Kumar Thakur S/o Sri Laloo Thakur Resident of Village Mungrahi,Post Ithat,P.S. Risiup,Dist.-Aurangabad
4. Rajkumar Yadav S/o Sri Govind Yadav Resident of Village Boknari Kala,Post Pai Bigha,P.S. Makhdumpur,Dist.Jehanabad
5. Jitendra Kumar S/o Sri Gupteshwar Thakur Resident of Village Pawat,Post Behra Agarsanda,P.S. Mufassil,Dist.-Bhojpur
6. Pramod Kumar Chouhan S/o Sri Yugal Chouhan Resident of Village Matpa,Post Matpa,P.S. Kutumba,Dist.-Aurangabad
7. Bhole Shankar S/o Late Tulsi Prasad Resident of Mohalla Navinagar,Post and P.S. Nawada,Dist.-Nawada
8. Niraj Kumar S/o Sri Vijay Kumar Dwivedi Resident of Village Ankuri,Post Ankuri,P.S. Goh,Dist.-Aurangabad
9. Sanjiv Kumar S/o Late Ranvijay Singh Resident of Village and Post Temura,P.S.Pauthu, Dist.-Aurangabad
10. Rajendra Prasad S/o Late Tapeswar Ram Resident of Village Badarpur,Post and P.S. Kutumba,Dist.-Aurangabad
11. Parmanand Kumar S/o Sri Ramrup Chouhan Resident of Village Tendua,Post Pogar,P.S. Rafiganj,Dist.-Aurangabad
12. Ranvijay Prasad S/o Late Jagat Prasad Resident of Village-Werni Bishanpur,Post Werni,P.S.Nawada,Dist.-Nawada
13. Dilip Kumar S/o Sri Jai Kishore Choudhary Resident of Village-Nanahkar Jairampur,Post Dharpur Rutti,P.s. Bihpur,Dist.-Bhagalpur
14. Ranjay Kumar S/o Sri Kapildeo Singh Resident of Village Bibipur,Post Sadipur,P.S. Muffassil,Dist.-Nawada
15. Dhananjay Kumar S/o Sri Upendra Singh Resident of Village Chainpura,Post and P.S.Warsaliganj,Dist.-Nawada
16. Kumar Ratnesh S/o Late Awadhesh Kumar Singh Resident of Village and Post Kathar,Police Station Krishna Braham,Dist.-Buxar
17. Ramu Kumar S/o Sri Ramashray Singh Resident of Village and Post Budhwara,P.S. Govindpur,Dist.-Nawada
18. Subhas Kumar S/o Sri Rajaram Prasad Resident of Village Dulari Bigha,Post and P.S. Ekangar Sarai,Dist.Nalanda
19. Akhilesh Kumar S/o Sri Thakur Rajak, Resident of Village and Post Jhauwa Bahiyar,P.S. Harinamar,Dist.-Munger
20. Ashok Kumar Albela S/o Sri Mahabir Prasad Resident of Village and Post Pasadhi,P.S. Meskaur,Dist.-Nawada



21. Bablu Kumar Mandal S/o Sri Upendra Prasad Mandal Resident of Kumarath,Post Simariya,P.S. Kajraili,Dist.-Bhagalpur
22. Md. Firoz Alam S/o Md. Yakub Ansari Resident of Village-Purnidih,Post Dhangai,P.S. Obra,Dist.Aurangabad
23. Ankit Kumar S/o Late Chamak Lal Singh Resident of Village Kamarganj,Post Jahangira,P.S. Sultanganj,Dist.-Bhagalpur
24. Anil Kumar S/o Sri Brahmdeo Prasad Yadav Resident of Village Dhab,Post Dhamni,P.S. Rajauli,Dist.-Nawada
25. Amit Kumar Singh S/o Sri Rajkishore Singh Resident of Village Dogachhi,Post Tanar P.S. Sanhaua,Dist.Bhagalpur
26. Ajay Kumar S/o Jagdish Singh Resident of Village Ramnagar,Post Babu Amauna,P.S. Daudnagar,Dist.Aurangabad
27. Binay Kumar Choudhary S/o Sri Bateshwar Choudhary Resident of Village and Post Dumariya Bujurg,P.S. Parwatta,Dist.-Khagaria
28. Dharmvir Kumar @ Dharmvir Kumar Singh S/o Sri Eknath Singh Resident of Village and post Rajaran P.S. Mohiuddin,Dist.-Samastipur
29. Sarfaraj Alam S/o Abdul Shalim Resident of Village Ramgarh,Post umapur,PS Bhagwanpur,Dist.-Bhabhua (Kaimur)
30. Mithilesh Kumar Singh S/o Late Saryu Singh Resident of Village Basdiha,Post Nasriganj,P.S.Karakat (Gorari),Dist.Rohtas
31. Aaruni Kumar S/o Sri Anil Kumar Singh Resident of Village Shahpur,Post Parvati,P.S. Kashichak,Dist.Nawada
32. Vivek Kumar S/o Sri Ram Ayodhya Singh Resident of Village and Post Khadawn Kalan,P.S. Sahar,Dist.Bhojpur
33. Nawal Kishore S/o Sri Ashok Kumar Resident of Village and Post Kulhariya,p.S. Koilwar,Dist.-Bhojpur
34. Basuki Kumar S/o Sri Jairam Prasad Yadav Resident of Village Sihuri,Post and P.S. Amarpur,Dist.Banka
35. Vishwanath Kumar S/o Sri Deonandan Prasad Resident of Village Meghu Bigha,Post Nanaura,P.S. and Dist.-Nawada
36. Abhishek Kumar S/o Sri Naresh Rajak Resident of Village Maniyarchak,Post Nauwarhi,P.S.Muffassil,Dist.Munger
37. Sanjay Kumar Pankaj S/o Vikrama Paswan Resident of Village Ganeshpur,Post Manrajpur,P.S.Chenari,Dist.Rohtas
38. Shivpujan Prasad S/o Sri Moti Prasad Resident of Village Chanda,Post and P.S. Chainpur,Dist.-Kaimur
39. Nawesh Kumar S/o Sri Rambahadur Singh Resident of Village Morkahi,Post Durgapur,P.S. Muffassil,Dist.Khagaria
40. Rakesh Roushan S/o Sri Kedar Singh Resident of Village and Post and P.S. Kashichak,Dist.-Nawada
41. Santu Kumar S/o Sri Damodar Singh Resident of Village and Post Apsadh,P.S. Warisaliganj,Dist.-Nawada
42. Bablu Kumar S/o Sri Narayan Singh Resident of Village andj post



Salarpur,P.S. Parwatta,Dist.-Khagaria

43. Hareram Kumar S/o Late Mohan Prasad Yadav Resident of Village Koriyan,Post Masumganj,P.S. Asarganj,Dist.Munger.
44. Phulshankar Paswan S/o Sri Jamun Paswan Resident of Village Rupni (Karuwa) Post and P.S. Chautham,Dist.Khagaria
45. Md. Anish Raja S/o Md. Ainul Haque Resident of Village and Post and P.S. Madanpur,Dist.Aurangabad
46. Jai Prakash Prasad S/o Sri Shankar Mahto Resident of Village-Mirjapur,Post and P.S. Pakribarawan,Dist.-Nawada
47. Pintu Kumar Paswan S/o Sri Bhola Ram Resident of Village Bariyawan,Post Jaihind Tendua,P.S.Mali,Dist.Aurangabad
48. Mukesh Kumar Choudhary S/o Sri Laddumal Choudhary Resident of Village and post Hasanpur,Police Station and Dist.-Arwal
49. Gopal Jai Rai S/o Sri Shivji Rai Resident of Village Bhatauli,Post Chhatauna,P.S. Nokha,dist.Rohtas
50. Ranvir Kumar @ Ranvir Kumar Singh S/o Late Damodar Prasad Singh Resident of Village-Madepur,Post Kundal,P.S. Singhiya,Dist.Samastipur
51. Prem Shankar Prasad S/o Sri Ramdhari Prasad Resident of Village Chanda,Post and P.S. Chainpur,Dist.Kaimur
52. Surendra Kumar s/o Sri Shibu Yadav Resident of Village Akothara,Post and P.S. Gurua,Dist.Gaya
53. Bablu Singh S/o sri Krishna Singh Resident of Village and post Baruna,P.S. and Dist.Buxar
54. Narendra Kumar S/o Sri Bhikhar Singh Resident of Village Kateya,Post Jaigovind Nagar,P.S. Jamhore,Dist.-Aurangabad
55. Shailendra Kumar Singh S/o Sri Indradeo Singh Resident of Village Barahi,Post Bhadwar Baradhi,P.S. Bagen Gola,Dist.-Buxar

... .. Petitioners

Versus

1. The State Of Bihar through the Home Secretary,Govt. of Bihar,Patna
2. The Principal Secretary, Department of Finance,Govt.of Bihar,Patna
3. The Director General of Police, Govt. of Bihar,Patna
4. The Inspector General of Police, Magadh Range,Gaya
5. The Deputy Inspector General of Police, Magadh Range,RGaya
6. The Superintendent of Police, Gaya
7. The Superintendent of Police, Aurangabad

... .. Respondents

Appearance :

For the Petitioners : Mr. Nilendu Kumar Choudhary
Mr. Manish Kumar No. 2, Advocate
For the Respondents : Mr. Anil Kumar, AC to SC 8



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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 23-02-2021

Learned counsel appearing on behalf of the petitioners seeks permission to make necessary corrections in the name of petitioner no.40 in the cause title of the writ application.

Let the aforesaid correction be made during course of the day.

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Petitioners have approached this Court for a direction to the respondents to grant the benefit of old Pension Scheme as they were recruited as constables pursuant to Advertisement 01/2004 and in the same transaction, constables were appointed in different districts as cut-off date was fixed as 31.08.2005 and they have been granted the benefit of old Pension Scheme but the case of the petitioners was delayed and they have been subjected to new Pension Scheme. The petitioners have challenged the action of the respondents as arbitrary, unreasonable and discriminatory.

Learned counsel for the petitioners submits that the issue raised in the present writ application is no more res integra and identical issue was decided by this Court in CWJC 16468 of



2016 and analogous cases. Similar issue in the case of *Ganpati Singh Vs State of Bihar*, CWJC No.663 of 2010 was set at rest vide order dated 29.08.2011 which was affirmed in LPA No.204 of 2014 and SLP preferred against the order of the LPA was dismissed in SLP (Civil) No. 35714 of 2016 (*The State of Bihar & others Vs. Ganpati Singh*).

In order to maintain consistency, the present writ application is allowed in terms of the order dated 29.08.2011 passed CWJC No.663 of 2010 in the case of *Ganpati Singh Vs State of Bihar* which was set at rest by a Bench of this Court against which the order of the Writ Court was also affirmed in LPA No.204 of 2014 and SLP preferred against the order of the LPA was dismissed in SLP (Civil) No. 35714 of 2016 (*The State of Bihar & others Vs. Ganpati Singh*).

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.02.2021
Transmission Date	N.A.

