IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16376 of 2015

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1. Dr. Kamlesh Kumar, Son of Late Heman Mahto, resident of Village- Korbadha, Police Station- Muffasil in the district of Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Bihar School Examination Board (Senior Secondary), Budha Marg, Patna through its Secretary.
4. The Secretary, Bihar School Examination Examination Board (Senior Secondary), Budh Marg, Patna.
5. The District Education Officer, Samastipur.

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar
For the Respondent/s : Mr. SC22-KUNDAN BAHADUR SINGH

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 30-08-2016

By virtue of Annuexure-1 dated 17.09.2015, the District Education Officer, Samastipur, has directed the petitioner to superannuate on reaching the age of 60 years. He has also been directed to hand over charge or else the institution would face difficulty in conduct of further examination and teaching.

Submission of the counsel for the petitioner is that the petitioner has been appointed by the Private Managing Committee as a Principal. Since he is a lecturer as well in the Intermediate college, his superannuation will be on reaching the age of 65 years.

The Court directed Bihar School Examination Board to

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file a counter affidavit and indicate as to the age of superannuation of such teachers, whatever be the nomenclature since an intermediate college is nothing but a 10 + 2 institution.

In the counter affidavit filed on behalf of Bihar Examination Board, the communication no. 20 of 2012 has been annexed as Annexure-A. It is a press release dated 20th of April, 2012, where all such institutions of 10 + 2 have been clearly advised as well as informed that the age of superannuation of employees of both kind of an Intermediate college shall be 60 years.

No further argument is required to be entertained, since the said press communication is not a matter of challenge or dispute.

The petitioner has to superannuate, when he attains the age of 60 years. No further leeway or concession can be granted even if it is a privately managed school.

Writ has no merit. Accordingly, it is dismissed.

(Ajay Kumar Tripathi, J)

ajaypd./-

AFR/NAFR	AFR
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