

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 1965 of 2012

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Tripta Narain Yadav S/O Late Madhuri Yadav R/O Village- Baluwa Tola, Via-
Kolwahi, P.S.- Kolwahi, District- Madhubani

.... Appellant/s

Versus

1. The State Of Bihar through Its Principal Secretary Human Resources and Development Department, Govt. Of Bihar, Patna
2. The District Magistrate, Madhubani, District- Madhubani
3. The District Education Officer, Madhubani, District- Madhubani
4. The District Superintendent of Education Madhubani, District- Madhubani
5. The Chief Medical Officer cum Civil Surgeon Madhubani, District- Madhubani

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Abhay Krishna, Advocate

For the Respondent/s : Mr Pandey Sanjay Sahay, SC 31 with
Mr Rajesh Ranjan, AC to SC 31

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CORAM: HON'BLE MR JUSTICE HEMANT GUPTA
&
HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE HEMANT GUPTA)

Date: 03-03-2016

The challenge in this appeal is to an order passed by the learned Single Judge on 06.04.2012 whereby the claim of the appellant for extension of service was declined. The appellant attained the age of superannuation on 07.02.2011 but continued to work for 21 more days. The appellant claims that he is medically fit, therefore, entitled for extension in age.

2 Once an employee attains the age of superannuation,

he cannot claim extension of service only for the reason that he is medically fit. In absence of any policy decision to extend the age beyond the age of superannuation, the employee cannot seek a right of extension of service much less through the writ jurisdiction of this Court.

3 In view of the above, we do not find any error in the order of the learned Single Judge which warrants interference in this appeal. This Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

M.E.H./-

(Navaniti Prasad Singh, J)

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