

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5194 of 2016

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Manmohan Choudhary Son of Sri Madhukant Choudahry Reisdnet of VMadhu
Gunjan Niwas P.O. B.U. College, Rajeev Nagar, District Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department of Govt. of Bihar, Patna.
3. The Joint Director, Secondary Education, Government of Bihar, Patna.
4. The Chairman, Bihar School Examination Board, (Senior Secondary) Budh Marg Patna through its Secretary.
5. The Chairman, Bihar School eXamination Board (Senior Secondary) Budha Marg Patna.
6. The Secretary, Bihar School eXamination Board (Senior Secondary) Budha Marg Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Respondent/s : Mr. M.N.H.Khan, SC-1
For the Board : Mr. Satyabir Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-09-2017

Heard Mr. Sunil Kumar Singh, learned counsel for the petitioner and Mr. Satyabir Bharti, learned counsel for the respondent Board. Learned counsel for the State is also present.

The petitioner is aggrieved by the order bearing Memo No. BSEB(SS) 24/Estab./16 dated 13.1.2016 issued under the signature of the Secretary, Bihar School Examination Board, whereby the petitioner has been retired from service on attaining the age of 60 years with effect from 31.1.2016.

While reliance was placed by Mr. Singh, learned counsel for the petitioner, on a Co-ordinate Bench decision of this Court



rendered in the case of **Yugeshwar Roy v. Bihar School Examination Board & ors.** arising from C.W.J.C.No. 1703/2010 to submit that in similar circumstances the said petitioner was allowed to continue until 62 years. Such argument was contested by Mr. Bharti by placing reliance on a recent Co-ordinate Bench decision of this Court in the case of **Shivchandra Singh v. the Bihar School Examination Board & ors.** arising from C.W.J.C.No. 11223/2013 to submit that the judgment so relied upon was well considered and the Bench taking note of the developments which had taken place in the meanwhile, whereby a Committee was constituted to decide on the issue and whose opinion is that the service condition of the Board of employees would be equally applicable to the cases of present kind that the Co-ordinate Bench did not interfere with the similar order superannuating the employee on attaining the age of 60 years. It is submitted that the judgment in the case of **Shivchandra Singh** (supra) would apply with all force to the case of the petitioner.

It is in consideration of the rival contentions that this Court vide order recorded on 6.9.2017, posted the matter today enabling Mr. Singh to satisfy himself on the submission and when the parties have been heard. Though Mr. Singh does attempt to distinguish the position but the attempt is futile because the arguments do not make any shift to the position settled by the Co-ordinate Bench in the case of



Shivchandra Singh (supra).

In view of the decision of this Court in the case of **Shivchandra Singh** (supra) on the issue raised and contested, I find no reasons to interfere with the decision of the Board to superannuate the petitioner on attaining the age of 60 years through its decision dated 13.1.2016.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2017
Transmission Date	NA

