

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1936 of 2016
IN
Civil Writ Jurisdiction Case No. 9531 of 2016**

- =====
1. Shiv Kumar Bhagat Son of Late Narsingh Prasad Bhagat In-charge Principal,
Hari Kishun Bhagat Inter College at P.S. - Amarpur, District - Banka.

.... Appellant/s

Versus

1. The Bihar School Examination Board (S. S.), Patna through Secretary, Buddh
Marg, Patna.
2. The Secretary, Bihar School Examination Board (S.S.) Buddh Marg, Patna.
3. The Ad-hoc Managing Committee, Hari Kishun Bhagat Inter College, Amarpur
through Convener, At & P.S. - Amarpur, District - Banka.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Manoj Kumar Jha, Advocate
For the Board	:	Mr. Lalit Kishore, Sr. Advocate
For Respondent No.6	:	Mr. D.N. Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-07-2017

Seeking exception to an order dated 15.9.2016 passed
by the learned Writ Court in C.W.J.C. No.9531 of 2016, this appeal
has been filed under Clause 10 of the Letters Patent.

Petitioner was working in a private Intermediate
Institute and at the relevant time when the petitioner was holding the
post of In-charge Principal, he was nominated to the ad hoc



Managing Committee of the Institute, Hari Kishun Bhagat Inter College, Amarpur, Banka. However, after the period of two years of his tenure was over and when further extension for a period of two years was to be made, the Bihar School Examination Board by the impugned action informed the authorities that once the age of retirement of the petitioner was 60 years and he has attained the age of superannuation, the petitioner cannot continue in the ad hoc Managing Committee as the very basis of his induction into the Managing Committee in the capacity as a Principal ceases with his retirement from that post on attaining the age of superannuation.

Even though various grounds are canvassed before to say that the age of superannuation of a Principal in an Intermediate Private Institute is 62 years as in the case of a University teacher, we are of the considered view that this cannot be accepted. It is well settled by various judgments that the Intermediate Institute imparting education in 10+2 pattern is not a University. It is a school governed by the Rules and affiliated to the Bihar School Examination Board and not to any University and, therefore, the Rules applicable to a University Teacher do not apply to such an Institute. Thus, functioning under the regulation formulated by the Bihar School Examination Board and for teachers working in the Inter Colleges, as the age of superannuation is 60 years, in the



appeal we see no reason to make any indulgence.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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