

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1110 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 2704 of 2015**

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Chandeshwar Singh, Son of Late Gauri Shankar Singh, Lecturer, Ram Lakhan Singh Awadh Mahavidyalay, Premraj Mahua, Vaishali, Resident of Village - Chapaith, P.S. - Goraul, District - Vaishali.

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Department, Government of Bihar, Patna.
2. Director (Academic), Human Resource Department, Government of Bihar, Patna.
3. Bihar School Examination Board (Higher Secondary) through its Secretary, Budh Marg, Patna.
4. Secretary, Bihar School Examination Board, Patna.
5. Principal, Ram Lakhan Singh Awadh Mahavidyalay, Premraj, District - Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-07-2017

Seeking exception to an order dated 10.02.2015 passed by the learned Writ Court in C.W.J.C. No. 2704 of 2015, rejecting the writ petition filed by the appellant, this appeal has been filed under Clause 10 of the Letters Patent.

2. Appellant is working as a Lecturer in an institute imparting course of study for the Intermediate classes i.e. 10+2 system of education, the institute is affiliated to and the examinations



are conducted by the Bihar School Examination Board as per the statutory regulation. In the writ petition appellant sought that the age of superannuation of the appellant should be 62 years and in retiring him at the age of 60 an error has been committed.

3. The learned Writ Court has found that the age of retirement for teachers working in institutes which are schools affiliated to the Bihar School Examination Board, even though called an Intermediate College or Inter College, the age of superannuation is 60 and the age of superannuation 62 and 65 years, which is applicable to teachers working under the Bihar Universities Act and the rules framed thereunder, will not apply to employees of such Inter College, which are nothing but school education under the 10+2 pattern of education.

4. The learned Writ Court in dismissing the writ petition on such consideration has not committed any error. Admittedly, the age of retirement of teachers working in institutes affiliated to the Bihar School Examination Board is 60 and the age of 62 years and 65 years is the age of superannuation only with regard to such teachers whose service conditions are governed by the Bihar Universities Act, the rules and regulations framed by the University Grants Commission and the regulations of the University.

5. As the statutory regulations are not applicable to the



Inter Colleges, we see no error in the order passed by the learned Writ Court warranting reconsideration.

6. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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