

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22009 of 2014

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Anita Jamuar wife of Dr. Shiwa Ranjan Prasad Sinha, resident of A/18,
Punaichak, Shri Ram Path, P.S.- S.K. Puri, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Educational Department,
Bihar, Patna
2. Government Women's College, Gardanibagh, Patna through its Principal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava
For the Respondent/s : Mr. Sita Ram Yadav, G.P.-16.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-10-2018

1. Heard Mr. Abhinav Srivastava learned counsel
appearing on behalf of the petitioner and learned counsel
appearing on behalf of the respondents.

2. Mr. Abhinav Srivastava referring to the decision of
Government contained in Memo No. 2925 dated 7.12.2011
submits that the decision of the State Government regarding
enhancement of age of superannuation is equally applicable to
the teachers of government college since that decision was taken
by the State Government in light of UGC guideline. Provisions
of Bihar State University Act and Patna University Act and also
in view of the fact that there is scarcity of qualified teachers in
the University. Referring to Annexure-7 he submits that the
benefit of enhancement of age of superannuation was also
extended to the medical officers / doctors, the reasoning for



enhancement of the age of superannuation of the doctors are also on the line of the reasoning contained in Annexure-5. Referring to Annexure-8 he submits that pay revision benefit admissible to the teachers in the University has been extended to the teachers of government colleges and as such the State should extend the benefit of age of retirement which is available to the teachers of affiliated and constituent colleges of the University to the teachers of government colleges.

3. Service condition is under the domain of State and precisely within the competence of the State Government. It is true that in government Colleges also like the University there are much scarcity of the teachers and the inordinate time consumed in the process of the appointment of the teachers is also true in the case of government colleges and to obviate the situation of scarcity of teachers the government should take similar stand to fix age of superannuation in government colleges. However, the resolution contained in Annexure-8 whereby the same pay scale extended to the government colleges cannot ipso facto the basis of enhancement of the age of superannuation of the teachers of government colleges. Since, there is no conscious decision taken by the State government, no positive direction can be issued in the instant case.



4. In view of the stand taken in the counter affidavit, the writ petition is disposed of with observation that State government may consider the claim of the petitioner on the line of the teachers of age of retirement of teachers affiliated or constituent unit colleges of the University regulated by the Bihar State University Act or by Patna University Act and take appropriate decision authoritatively with regard to enhancement of age of superannuation of the petitioner within a maximum period of four months from the date of receipt/ production of a copy of this order.

5. With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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