

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14114 of 2014

Dr. Ajit Naraian S/o Late Shyam Narain resident of Flat No. 601/D, Mundeshwari Enclave Akashwani Road, Khajpura, P.S. Rajeev Nagar, District - Patna, retired as University professor in the subject of Mathematics, R.D.S. College, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur
4. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. The Registrar, B.R.A. Bihar University, Muzaffarpur
6. The Registrar, T.M. Bhagalpur University, Bhagalpur.
7. The Finance Officer, B.R.A, Bihar University, Muzaffarpur.
8. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
9. The Principal, R.D.S. College, Muzaffarpur.
10. The Principal, T.N.B. College, Bhagalpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17047 of 2014

Dr. Ajit Naraian

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 14114 of 2014)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Mr. Raj Nandan Prasad SC-9

(In Civil Writ Jurisdiction Case No. 17047 of 2014)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Smt. Binita Singh SC-28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State as well as University.

In the present case the grievance of the petitioner is
that the University has arbitrarily reduced the status of the
petitioner from professor to reader after superannuation



thereafter, effected recovery from the post retiral dues of the petitioner.

Learned counsel for the petitioner submits that petitioner has superannuated on 31th of May, 2003 and on 04.03.2017 i.e. after 14 years of superannuation the respondents have taken decision to reduce the status of the petitioner from professor to reader and recovered amount from the post retiral dues. It is well-settled that the relationship of Master and servant comes to an end after superannuation and as such the respondents have no jurisdiction to take any step to reduce the rank of the petitioner, who was granted promotion by way of conscious decision in the year 1992 with effect from 01.08.1990.

Learned counsel for the petitioner submits that in the case of similarly circumstanced Nilam Verma this Court has occasion to decide the similar issue and the Court held out that the respondents cannot nullify promotion granted to petitioner vide notification dated 03.07.1992 cannot be nullified referring to Section 58 (10) of the Bihar State University Act, 1976, which was inserted in 1993. In view of the Nilam Verma Case the action of the respondents is unsustainable. The Court find reason to allow the instant writ application inasmuch as 14 years



after superannuation of the petitioner taking action of reducing the status of the petitioner is not only un-warrented but arbitrarily exercise of power and more so such order cannot sustain in view of the order contained in Annexure-10 in C.W.J.C. No. 14114 of 2014. Accordingly Annexure-10 is quashed and all consequential action of the respondents are hereby declared as nullity.

In view of the above, C.W.J.C. No. 17047 of 2014 is also allowed. The respondent University is directed to return the amount recovered from the petitioner within a period of three months from the date of receipt/production of a copy of this order. The respondents are also directed to workout the entitlement of the petitioner for post retiral dues, treating the petitioner as retired University Professor in terms of the notification dated 03.07.1992.

With the aforesaid, both the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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