

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14862 of 2015

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Ramanand Sharma, S/o Late Shardanand Sharma, R/o at PO and PS Barari,
District-Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Science and Technology Department, Government of Bihar, Technology Bhawan, Bailey Road, Patna
2. Director, Science and Technology Department, Government of Bihar, Technology Bhawan, Bailey Road, Patna
3. The Principal, Bhagalpur College of Engineering, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 05-12-2018

The issue raised in the present writ petition relates to enhancement of age of superannuation of the petitioner engaged as Practical Teaching staff in Bhagalpur College of Engineering, Bhagalpur from 62 years to 65 years with all consequential benefits. Vide resolution contained in memo no. 2131 dated 14.09.2012, the age of superannuation of teachers/teaching staff of the Engineering Colleges under the Science & Technology Department, Government of Bihar has been enhanced from 62 to 65 years but the benefit of enhanced age was only extended to teachers engaged in classroom teaching activities and teachers engaged in practical training have been denied the benefit of enhanced age of superannuation.



The petitioner seeks quashing of letter no. 422 dated 20.02.2015, contained in Annexure-1 by which the representation of the petitioner, Annexure-16 for enhancement of his age of retirement has been rejected on the ground that by the resolution contained in memo no. 2131 dated 14.09.2012 the age of retirement is only available to teachers engaged in classroom teaching activities.

Mr. Shivendra Kishore, learned senior counsel for the petitioner has assailed the validity of the order, Annexure-1 on the ground that there cannot be a class within a class as it is violative of Article 14 of the Constitution. The respondents have extended the age of superannuation of those teachers who were engaged in classroom activities vide annexure-1 and they have not extended the benefit of enhancement of age of superannuation to the petitioner who is engaged in practical teaching activities. The teachers whether engaged in classroom activities or in practical training activities should be extended the benefit of enhancement of age as practical training is integral part of the teaching activities.

Learned counsel for the petitioner has referred to previous instances and the decision of this Court where the issue as to enhancement of age was the subject-matter at the relevant



time and the benefit of extension was available to all categories of teachers including those engaged in practical activities.

This writ petition was filed on 16.9.2015 with two advance copies to the office of the Advocate General. Unfortunately, for three long years the departmental authorities have not filed any counter affidavit.

Under the aforesaid circumstances, instead of keeping the matter pending, the Court deems it fit and proper to issue a direction to the Principal Secretary, Science and Technology Department to examine the representation of the petitioner contained in Annexure-16 afresh and pass fresh reasoned and speaking order on the following points:-

(a) Whether there is any rational behind two different age of superannuation of teachers engaged in Classroom activities and practical teaching/training activities ?

(b) Whether adopting two different yardsticks is discrimination among the teachers of classroom activities and teachers engaged in practical activities and impermissible as there is no rational object and further more class within class is impermissible as it offends Article 14 of the Constitution of India ?

Necessary decision on the representation of the petitioner must be taken by the Principal Secretary, Department of



Science and Technology after providing opportunity of hearing to the petitioner within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2018
Transmission Date	NA

