

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18139 of 2009

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Baidyanath Thakur S/O Late Baldeo Thakur R/O Vill.- Satlakha, P.S. Rahika,
Distt.- Madhubani, At Present R/O Mohalla- Adarsh Nagar, P.S.+DISTT.
+Town- Madhubani

... .. Petitioner/S

Versus

1. The State Of Bihar
2. The Vice-Chancellor, Lnm, Kameshwar Nagar, Darbhanga
3. The Registrar, Lnm, Kameshwar Nagar, Darbhanga
4. The Principal, B.M.College, Rahika
5. Principal Secretary, Human Resource Deptt., Govt. Of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Amresh Kumar Sinha, AC to Ga-1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 03-07-2018 This writ petition was filed in the year 2012 for a direction to the respondents to grant benefit of enhanced age of superannuation to the petitioner. The petitioner was Demonstrator in the Chemistry Department in B.M. College, Rahika, Madhubani. He claims that as teacher he is entitled to superannuate on attaining the age of 65 years.

The issue as to age of superannuation of teacher stands concluded by the judgment of the Apex Court in the case of **Jagdish Prasad Srivastava Vs. The State of Bihar & Ors.: 2015(3) PLJR (SC) 278**. However, the said judgment is of no help to the petitioner for the reason that the Demonstrator was excluded from the definition of teacher by way of amendment in



the Bihar State Universities Act. The said amendment in the Bihar State Universities Act was approved by the Division Bench of this Court and the said decision was challenged before the Apex Court. The Apex Court has approved the amendment in the Act excluding the Demonstrator from the definition of teacher.

In the above view of the matter, the Court does not find any merit in the claim of the petitioner. The writ petition is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

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