

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19519 of 2013

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Dinanath Mishra, S/O Late Baidyanath Mishra, Resident of Village & P.O.- Sasaula Sabha, P.S.- Majorganj, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Director, Higher Education, Bihar, Patna
4. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, through its Vice-Chancellor
5. The Vice Chancellor, Kameswar Singh Darbhanga Sanskrit University, Darbhanga
6. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga
7. The Principal, Mithila Sanskrit Mahavidyalaya, Sasaula Sabha, Sitamarhi
8. The Secretary, Governing Body, Mithila Sanskrit Mahavidyalaya, Sasaula Sabha, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanat Kumar Mishra, Advocate

For the Respondent/s : Mr. Ravindra Kumar, Ac to AAG-6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 05-11-2018

The present writ application has been filed on 24.09.2013. On the date of filing of the writ application, the petitioner was aged about 60 years and in view of the fact that the present writ application remained pending for five years and the age of superannuation of University teacher is 65 years, the Court has reason to believe that the petitioner has attained the age of superannuation.

In view of the above, the writ application is disposed of with a direction to the University to examine whether the petitioner was appointed after following the due selection process against the



sanctioned post and whether he has requisite qualification at the relevant time when the petitioner was appointed. If it is found that the petitioner was appointed after following the due selection process, decision may be taken by the University to grant the benefit in view of the judgment of the Apex Court in the case of **State of Punjab and Ors vs. Jagjit Singh and Ors**, reported in **(2017) 1 SCC 148**. Necessary decision in this regard must be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2018
Transmission Date	

