

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20376 of 2016

Om Prakash Mishra son of Late Reghubir Mishra, Resident of Village-Izra,
P.S.-Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar
2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga Dist.-Darb
4. The Governing Body, Rishi Kulashram Sanskrit up-Shastri College, Sangramur, District East Champaran
5. The Rishi Kulashram Sanskrit up-Shastri College, Sangrampur, District East Champaran.
6. The State of Bihar Through Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Durga Nand Jha
For the Respondent/s	:	Mr.Madhaw Prasad Yadav-Gp23
	:	Mr. Rajesh Kr. Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-05-2019 The present writ petition has been filed for quashing the letter dated 28.02.2015 issued by the Principal of Rishi Kulashram Sanskrit Mahavidyalaya, Sangrampur, whereby and whereunder the petitioner has been made to retire w.e.f. 28.02.2015 upon attaining the age of 60 years. The petitioner has further prayed for being permitted to work on the post of Senior Assistant/ Clerk till he completes the age of 62 years.



The learned counsel for the petitioner has relied upon a judgment rendered by a coordinate Bench of this Court ***dated 12.05.2016***, passed in ***CWJC no. 7009 of 2013***, whereby and whereunder it has been held that since the letter of the Registrar dated 17.07.2006 itself describes the age of superannuation of non-teaching staff as 62 years, the non-teaching staff of the College/ University shall be allowed to superannuate only upon completion of 62 years. Thus, it is submitted that the decision of superannuating the present writ petitioner at the age of 60 years, is illegal.

Per contra, the learned counsel for the respondents submits that the case of the petitioner shall be examined by the Registrar, Kameshwar Singh Darbhanga Sanskrit University and appropriate decision would be taken in light of the aforesaid judgment dated 12.05.2016.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioner to approach the respondent no. 3 by filing an appropriate representation within a period of four weeks from today, which shall be considered by the respondent no. 3 in light of the prevailing law and the respondent no. 3 shall dispose it off within a period of eight weeks thereafter and the



consequential benefits, if any, would be paid within the same
time frame.

(Mohit Kumar Shah, J)

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