

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12026 of 2014

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Randhir Kumar son of Late Chandra Shekhar Prasad resident of At Post -
Hasanpur Jitwarpur, P.S. Muffasil, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. L.N. Mithila University, Darbhanga through its Registrar
3. Vice Chancellor, L.N. Mithila University, Darbhanga
4. Registrar, L.N. Mithila University, Darbhanga
5. Principal, Samastipur College, Samastipur

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 19469 of 2014

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Ashok Kumar Singh son of Late Badri Vishal Singh resident of Lohia Nagar,
P.S. - Katihar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. B.N. Mandal University, Madhepura through its Registrar.
3. Vice Chanellor, B.N. Mandal University, Madhepura.
4. Registra, B.N. Mandal University, Madhepura.
5. Principal, D.S. College, Samastipur.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 19908 of 2014

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Raj Kishore Singh son of Late Rajendra Prasad Singh, resident of At P.O.-
Trimuhan, Via- Ekchari, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar
3. Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur



5. Principal, S.S.B. College, Kahalgaon, Bhagalpur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 22093 of 2014

Bidyanand Yadav son of Late Ram Kishore Yadav resident of Village Post -
Raghunathpur, P.S. - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. B.N. Mandal University, Madhepura through its Registrar.
3. Vice Chancellor, B.N. Mandal University, Madhepura.
4. Registrar, B.N. Mandal University, Madhepura.
5. Principal, K.P. College, Murliganj, Madhepura.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 12026 of 2014)

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.
For the Respondent/s : Mr. Prasant Pratap, Adv.
For the University : Mr. Bachani Sinha, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Ashhar Mustafa, Adv.

(In Civil Writ Jurisdiction Case No. 19469 of 2014)

For the Petitioner/s : Mr. Abhinav Srivastava
For the Respondent/s : Mr. Binod Ji Verma

(In Civil Writ Jurisdiction Case No. 19908 of 2014)

For the Petitioner/s : Mr. Abhinav Srivastava
For the Respondent/s : Mr. Vivek Prasad

(In Civil Writ Jurisdiction Case No. 22093 of 2014)

For the Petitioner/s : Mr. Abhinav Srivastava
For the Respondent/s : Smt. Kumari Amrita

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

16 06-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State as well as University.

The writ petitions involves manifold issues. The focal
point in the present application is the age of retirement of the
petitioners as Physical Training Instructor/Director Physical



Education. During the course of argument, petitioners as well as respondents have cited various judgment on the issue of entitlement as teacher but finally Mr. Abhinav Srivastava, learned counsel appearing on behalf of petitioner submits that for the purpose of deciding the benefit of age of superannuation as teacher he has alternative remedy he may be allowed to approach the Hon'ble Chancellor for appropriate decision in the matter of age of retirement. Mr. Srivastava, submits that even assuming for argument sake that the petitioners are not teaching employee for the purposes of age of retirement petitioner then they would be entitled to grant of benefit of ACP and MACP which is admissible to the Physical Training Instructor/Director Physical Education as non academic staff.

In view of the limited prayer made by Mr. Abhinav Srivastava, the writ petition is disposed of with a direction to the University as well as State to take appropriate decision with regard to grant of monitory benefit provided the petitioners holds the requisite qualification for grant of ACP and MACP. So far as the issue as to grant of extended age of superannuation is concerned, liberty shall be available to the petitioner to approach the Chancellor. It goes without saying that if the petitioners have been made to retire at the age of 62 years then



they are entitled to post retiral benefits after granting benefits of ACP and MACP. After the decision by the Chancellor they may be granted the benefit of extended age of retirement if their case is allowed by the Chancellor of the Universities.

The University and the State has to verify the academic qualification of the petitioner for grant of monetary benefits for grant of financial up gradation in terms of the ACP/MACP.

Necessary decision with regard to ACP and MACP must be taken by the respondent University and the State within a maximum period of four months from the date of receipt/production of a copy of this order with all consequential benefits including post retiral benefits.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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