

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1925 of 2011

In

Civil Writ Jurisdiction Case No.6534 of 2009

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The State Of Bihar through Secretary, Higher Education, Human Resources
Department New Secretariat, Patna.

... .. Appellant/s

Versus

1. Secretary, Bihar State Up Shastri Sanskrit Mahavidyalaya/College Teachers Association employees, through Babu Kant Jha, Son of Late Jagda Nand Jha Resident of Village - Lahta, Post Office - Lahta, Police Station - Manjaha, District - Darbhanga, At Present Secretary Cashier, Bihar State Up Shastri Mahavidyalaya Teachers Association Employees
2. Balmiki Prasad Singh S/O Sri Saligram Prasad Singh R/O Vill.- Sambenho, P.S. S.S. Bariyarpur, P.S. Sambho, District Begusarai
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit Visvidyalaya, Kameshwar Nagar, Darbhanga
4. The Vice-Chancellor Kameshwar Singh Sanskrit University Kameshwar Nagar, Darbhanga

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satyavrat, AC to GP-10
For the Respondent/s : Mr. Abhinav Shrivastav, Advocate
Mr. Satyam Shivam Sundaram, Advocate
Mrs. Renu Jha, Advocate
Mr. Awadhesh Pd. Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-12-2020

The instant appeal has been filed against the judgment dated 9th of September, 2011 passed by a learned Single Judge of this Court in C.W.J.C. No. 6534 of 2009, titled as **Secretary, Bihar State Up Sastri Sanskrit Mahavidyalaya/College Teachers Association Employees & Ors. Vs. The State of Bihar & Ors.**



Shri Satyavrat, learned Assistant Counsel to learned Government Pleader No. 10, has placed on record a communication dated 17.12.2020.

We are of the considered view that the appeal needs to be dismissed, more so for the reason that the judgment rendered by a co-ordinate Bench of this Court in **C.W.J.C. No. 11271 of 1992**, titled as **Narendra Narayan Prasad Vs. The State of Bihar & Ors.** has attained finality.

Learned Single Judge simply applied the ratio laid down therein and finding the facts of the writ-petitioner similar to that of the writ-petitioner in the said case, allowed the writ petition, also holding the members of the petitioner association to be entitled to the similar benefits with regard to their age of superannuation to be 62 years instead of 60 years.

Also, as we are informed, with the passage of time, now the age of superannuation stands enhanced from 60 to 65 years instead of 62 years.

Be that as it may, on the date of filing of the writ petition, the members of the petitioner association were claiming benefit only up to the age of 62 years to which they would be entitled to under orders of the Court.

We further find that the members of the petitioner



association have rather served the State well and have since
superannuated.

As such, the present appeal, devoid of merit, is
dismissed.

Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/P.K.P/

AFR/NAFR	
CAV DATE	
Uploading Date	21.12.2020
Transmission Date	

