

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15188 of 2015

1. Dr. Suresh Kumar Sharma son of Late Bharat Sharma resident of Sir Ganesh Dutt Nagar, Rewa Road, Bhagwanpur, P.S. Sadar, District - Muzaffarpur.
2. Dr. Sushil Kumar Sinha son of Late Prabhu Sinha resident of At - Gopalpur Paschim, P.S. - Sadar, Motihari, District - East Champaran.
3. Dr. Dinesh Kumar Sinha son of Vishwanath Prasad resident of Doudpur Kothi, P.S. - Brahmpura, District - Muzaffarpur.
4. Dineshwar Prasad Singh son of Siyasan Singh resident of Gobarsahi Chowk , Behind Petrol Pump on N.H. 28, P.S. - Sadar Muzaffarpur, District - Muzaffarpur.
5. Dr. Jamindar Prasad Ranjan son of Shri R.P. Baitha, resident of At - Aamgola, P.S. - Kaji Mohammadpur, District - Muzaffarpur.
6. Dr. Usha Sharma daughter of Late Rameshwar Narain Sharma resident of Nitishwar Marg, Aamgola, P.O. - Ramana, P.S. - Kazi Mohammadpur, District - Muzaffarpur.
7. Dr. Bhagirath Prasad son of Late Karu Prasad resident of at Janaki Nagar, Hanuman Nagar, P.S. - Patrakar, District - Patna.
8. Dr. Urmila Sinha daughter of Late Sri Pavitra Roy resident of Shankerpur Sadpura, P.O. - Ramna, P.S. - Kaji Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Health, Bihar, Patna.
3. Principal Secretary, Department of Finance, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Satya Deo Kumar, SC-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-09-2023 1. The present writ petition has been filed seeking the following relief:-

“1. (i) Issuance of a direction, order or writ, including writ in the nature of Mandamus commanding the



concerned respondent authorities under the State of Bihar to take steps towards extending the benefits of enhancement of age of superannuation from 65 years to 67 years in favour of the petitioners, who have retired as members of the Bihar Medical Education Service and Bihar Health Service, between 31/12/2014 to 30/06/2015 in a similar manner as has been done in cases of members belonging to the said services with effect from 30/07/2015 by amending the provisions contained under rule 73 (1) of the Bihar Service Code;

(ii) Issuance of a declaration holding that the petitioners and other similarly situated persons who have retired from the services of the State Government as members of Bihar Medical Education Service or Bihar Health Service between 31/12/2014 to 30/06/2015 are entitled for being extended the benefits of enhancement of age of superannuation from 65 to 67 years in view of the fact that the proposal



made in the said respect in December,2014 has finally culminated into the decision on part of the concerned authorities under the Government in the said respect but unfortunately, an unexplainable and inordinate delay of 7 months has taken place in the decision-making process by the concerned authorities as in the most arbitrary and illegal manner the concerned file had remained pending with the Hon'ble Minister for a period of over 6 months without any deliberations on the same."

2. At the outset, the learned counsel for the respondent-State has submitted that admittedly in exercise of powers conferred by proviso to Article 309 of the Constitution of India, the Bihar Service Code, 1952 has been amended and the same has been notified by the Finance Department vide notification dated 30.07.2015 and a new proviso has been added to Rule 72(1) of the Bihar Service Code, whereby and whereunder the age of superannuation of Doctor of Bihar Medical



Education Service, Doctor of Bihar Health Service and Teachers of Ayush Indigenous Medicine System has been enhanced from 65 years to 67 years, hence it is submitted that the present writ petition has been rendered otiose especially since the said amendment has come into force w.e.f. 30.07.2015.

3. In view of the aforesaid, the learned counsel for the petitioners does not seek to press the present writ petition.

4. Accordingly, the present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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