

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7490 of 2012

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SURESH PRASAD SINGH Son Of Late Bhagwat Prasad Yadav at present working as Principal, Hansi Mandal College, Bhagwat Nagar at Bihariganj, P.S. - Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Secretary, Bihar School Examination Board (Higher Secondary), Patna
3. The Director (Education), Bihar School Examination Board, (Higher Secondary), Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the State : Mr. Raghwanand, GA-11
Mr. Sanjay Kr. Tiwari, AC to GA-11

For the BSEB : Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

11 30-10-2023

1. No one appears for the petitioner.

2. Heard learned counsel for the respondents-Bihar School Examination Board and learned counsel for the State of Bihar.

3. The petitioner has filed the instant application for quashing of letter no.3229/D-12 dated 13.3.2012 issued under the signature of Secretary, Bihar School Examination Board so far as it relates to the petitioner whereby and whereunder the date of superannuation of the teaching and non-teaching staff of



Inter colleges has been fixed at the age of 60 years.

4. Learned counsel appearing for the respondents-Board submits that the petitioner was initially appointed on the post of Lecturer and subsequently as Principal in the Inter college affiliated by the Bihar School Examination Board. The main contention of the petitioner as borne out from the contents of the writ petition for increasing the age of superannuation from 60 years to 65 years is reflected from the contents of paragraph no.9 of the writ petition. The said paragraph no.9 of the writ petition is reproduced hereunder for ready reference:

“9. That vide Memo No.D08, dated 24/9/2008 issued under the signature of Director(Education), Bihar School Examination Board(Higher Secondary Patna) stating there in that age of retirement of the teaching and non-teaching staff of the Inter College would be same as per the age provided in the Bihar State Universities Act for superannuation of teaching & non-teaching staff of the Universities and Colleges meaning thereby the age of superannuation of the teaching and non- teaching staff of the Universities is now 65 years. Hence the teaching and non-teaching staff of the Inter College affiliated by the Bihar School Examination Board (Higher Secondary Patna) is also 65 years.”

5. Learned counsel appearing for the Board submits



that an identical question came up for consideration before the Division Bench of this Court in LPA no.1936 of 2016 (Shiv Kumar Bhagat vs. The Bihar School Examination Board & Ors.) wherein by judgment dated 10.7.2017, this Court was pleased to dismiss the contention of the writ petitioner-appellant therein in the following terms:

“Even though various grounds are canvassed before to say that the age of superannuation of a Principal in an Intermediate Private Institute is 62 years as in the case of a University teacher, we are of the considered view that this cannot be accepted. It is well settled by various judgments that the Intermediate Institute imparting education in 10+2 pattern is not a University. It is a school governed by the Rules and affiliated to the Bihar School Examination Board and not to any University and, therefore, the Rules applicable to a University Teacher do not apply to such an Institute. Thus, functioning under the regulation formulated by the Bihar School Examination Board and for teachers working in the Inter Colleges, as the age of superannuation is 60 years, in the appeal we see no reason to make any indulgence.

The appeal is dismissed.”

6. Having heard learned counsel for the respondents- Board, this Court finds that the case of the petitioner herein is fully covered by the aforesaid decision of the Division Bench



dated 10.7.2017 passed in LPA no.1936 of 2016.

7. There is no merit in the instant writ application and
the same is dismissed.

(Partha Sarthy, J)

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