

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18323 of 2015

Devendra Prasad Singh son of Late Ram Eqbal Singh resident of village - Musepur, P.O. - Bhewar Sikaria, P.S. - Jehanabad, District - Jehanabad currently resident of C/o - Jugal Sharma, New Area Block Road, P.O. P.S. - Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vice-Chancellor, Magadh University, Bodh Gaya, District - Gaya.
3. The College Superintendent, Magadh University, Bodh Gaya, District - Gaya.
4. The Principal, Dr. Vijay Kumar Singh College, Rafiganj, District - Aurangabad.
5. The Joint Secretary, Human Resources Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
		Ms. Alka Singh, Advocate
For the Respondent/s	:	Mr. Binod Kr. Yadav, AC to SC18
For the University	:	Mr. Kamal Kishore Singh, Advocate
For Magadh University	:	Mr. Harsh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-03-2024 1. Heard learned counsel for the petitioner and

learned counsel for the respondents.

2. The petitioner has filed the instant application for the
following relief/s :-

“I. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of certiorari for quashing the letter dated 16.06.2014 vide memo no. 447/2014 issued by the Principal, Dr. V.K. Singh College, Rafiganj, Aurangabad, respondent



no. 4 (Annexure- 9) in which it has been stated that since the petitioner has attained the age of 62 years on 23.03.2014 hence has attained the retirement age; on the ground that the petitioner has not attain the age of 65 years as per Annexure-7 to the writ application.

II. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a direction to the Principal, Dr. V.K. Singh College, Rafiganj, Aurangabad, respondent no. 4 to re-instate the petitioner on the post of lecturer in the department of Psychology and give other consequential benefit from the date of removal of service i.e. dated 24.3.214.

III. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a direction to the Principal, Rafiganj College, Aurangabad, respondent no. 4 to not appoint any other lecturer on the post of psychology in the aforesaid college.

IV. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

3. Learned counsel for the petitioner submits that during pendency of the instant application, as per instructions received, the respondent-College took services of the petitioner till the petitioner attained the age of 65 years, however he has not been paid the salary for certain period. It is thus submitted that he is not pressing the prayers made in the instant writ



application but seeks a direction to the Principal of Dr. Vijay Kumar Singh College, Rafiganj, District- Aurangabad (respondent no. 4) for payment of the salary dues of the petitioner. The petitioner will be filing a detailed representation before the respondent no. 4.

4. Learned counsel for the Magadh University submits that the college in question is an affiliated college and as per the Bihar State Universities Act, appointment, suspension, promotion, disciplinary proceeding and administrative powers is vested in the governing body of that college.

5. This Court finds that the governing body of the college has not been made a party respondent herein. However in view of the submission made by learned counsel for the petitioner, the instant writ application stands disposed of with liberty to the petitioner to approach the Principal of Dr. Vijay Kumar Singh College, Rafiganj, District- Aurangabad (respondent no. 4) for the remaining grievances of the petitioner.

6. In case a representation is filed by the petitioner within a period of three months from today, the same shall be considered and disposed of by the Principal (respondent no. 4) within a period of three months from the date of its filing.

7. It is made clear that this Court has not gone into the



merits of the case of the petitioner nor in the question as to whether the petitioner has worked for the period that he claims to have worked i.e. till attaining the age of 65 years and or whether he is entitled for payment for the aforesaid period.

8. The writ application stands disposed of.

(Partha Sarthy, J)

Harsh/-

U			
---	--	--	--

