

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9767 of 2019

1. Pramod Jha Son of Janardan Jha Resident of Village-Sirua, P.S.-Baheri, District-Darbhangha at present working as Night Guard in Darshan Sanskrit up Shastri College, Maniyari P.S. Mahanth Maniyari District Muzaffarpur.
2. Kanhaiya Mishra Son of Balakant Mishra Resident of Village and P.O.-Pindaruch, District-Darbhangha at present working as Orderly Peon in up Shastri College Pindaruch, Muzaffarpur.

... .. Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar.
2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Governing Body, Darshan Sanskrit Up Shastri College, Maniyari P.S. Mahanth Maniyari District Muzaffarpur through its Secretary.
5. The Governing Body, Up Shastri College, Pindaruch District Darbhanga through its Secretary.
6. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Adv.
For the Respondent/s	:	Smt. Shilpa Singh (GA12)
		Ms. Abhanjali
For University	:	Mr. Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-04-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing for Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.

2. The present writ petition has been filed for the following relief(s):-



“(i) Issuance of a writ in the nature of Mandamus directing and commanding the Respondents to release the salary etc. to petitioners which has been withheld from June 2018 on the ground that they have deemed to have attained the age of superannuation at the age of 60 against the Bihar State University (Amendment) Act 2006 as also against the own Notification of Respondent University dated 17.09.2016 and against the decision of this Hon'ble Court dated 12.05.2016 passed in C.W.J.C. no. 7009 of 2013 in Similar Case.

(ii) Issuance of further writ in the nature of Mandamus directing and commanding the Respondents to allow the petitioners to continue on their respective posts till they complete the age of 62 years as decided by the Government in Bihar Act, 2006 where under the age of superannuation of non-teaching staffs has been decided as 62 years and thereby to pay them their salary till they attain the age of 62 years.

(iii) Issuance of an appropriate holding and declaration that the Respondent university or its authorities has no jurisdiction to deem the petitioners to have superannuated at the age of 60 years and to withhold the salary by over-riding the provisions laid under Bihar State University Act, 2006 as also against its Notification dated 17.09.2016.

(iv) Issuance of an appropriate declaration that once the provision laid under the Bihar State University (Amendment) Act 1993 has been amended by Bihar Act 4, 2006 and the age of superannuation for teachers and non-teaching staffs working in the university or college have been decided by the Government as 62 years the petitioners being Nigh Guard and orderly Peon respectively in the college, under the Respondent University are fully entitled to the benefit of retirement age as 62 cannot be curtailed in any manner.

(v) Any other relief or reliefs be granted to petitioners to which they are found to



be entitled to in accordance with law.”

3. Learned counsel for the petitioner submits that earlier the date of retirement of the petitioner was 60 years but in view of order dated 12.05.2016 passed by this Court in CWJC No. 7009/2013, the age of superannuation of a similarly situated person was enhanced to the age of 62 years. Learned counsel submits that though the petitioner got retired in the year 2018 but till the date he was working the arrears of his salary and other benefits have not been paid to the petitioner.

4. Now the University has filed a detailed counter affidavit wherein it has been stated that State Govt. vide resolution No. 15/C 2-203/2010-3163 dated 18.08.2023 notified that age of superannuation of non teaching staff of Upshastri College has been enhanced from 60 years to 62 years w.e.f. 31.03.2006 and subsequently, in light of the aforesaid resolution University has also issued Notification vide Memo No. 1214/23 dated 28.08.2023 for enhancement of age of superannuation (Annexure R-3/A).

5. Considering the aforesaid facts, the petitioner is entitled for the consequential benefits and the University is directed to pay all the consequential benefits due to the petitioner from 18th June 2018 to 20th June 2020 within four



months.

6. The writ petition stands disposed of with the above observation and direction.

(Anjani Kumar Sharan, J)

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