

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1408 of 2019

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Vikrama Prasad Singh S/o Ram Karan Singh Vill.-Uchitpur,P.O. P.S.
Muradabad,Dist.-Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The Vice Chancellor, Veer Kunwar Singh University and Ors Ara
2. The Registrar, Veer Kumar Singh University,Ara
3. The Principal, Shers Shah College,Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Adv., Ms. Sweta Singh, Adv.
For the State	:	Mr. Prabhat Kumar Verma, Adv.
For the University	:	Mr. Rajesh Prasad Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

7 17-11-2025 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the University.

2. The writ petition has been filed for the following
reliefs:-

*“A. Issuance of the writ in the nature of
certiorari for quashing/set aside vide Letter no.
1033/estab/13, dated 30.09.2013, issued by the
Registrar V.K.S.U., Ara whereby on the Report of
Medical Board the date of birth fixed on 01.07.1948
and date of retirement fixed on 30.06.2010, as well
as quashing/ set aside vide Letter no. 105/14 dated
24.05.2014 by which the Principal wrote letter to
the Registrar, V.K. S. U., Ara for recovery of paid
salary amount of the petitioner from 01.07.2010 to
30.06.2012 from pensionary benefits.*

*B. The issuance of writ in the nature of
mandamus commanding the Respondents to refund*



the entire recovered amount from the pension utilized E.L. and Gratuity.

C. The Respondents further be directed not to recover the salary paid amount of working period from 01.07.2010 to 30.06.2012 from the pensionary benefits and not to harass the petitioner who has superannuated on 30.06.2012.

D. To grant such other relief/reliefs for which the petitioner is entitled too.”

3. Learned counsel for the petitioner submits that, on the basis of Medical Board constituted to determine the date of birth of this petitioner, at the instance of Principal, the Board was constituted and date of birth was fixed as 26.06.1950, and on that basis, this petitioner is said to have superannuated on 30.06.2012. After retirement, the Registrar came out with a letter, as appended with the writ petition as Annexure-5, dated 30.09.2013, wherein a confusion with regard to fixation of date of birth, has been raised by questioning the recommendation of Medical Board, as would be apparent from the order impugned and recovery to the tune of Rs. 1,33,634/- was quantified as excess salary paid to this petitioner from 01.07.2010 to 30.06.2012, which finding is not in consonance with the date of birth incorporated in the service records. The findings arrived by the Medical Board to recommend the date of birth, in which this petitioner had also participated, was accepted by the authority



and the petitioner was accordingly made to retire on 30.06.2012.

4. It has next been submitted that unilaterally such findings have been recorded and no proceeding as provided in law is resorted before arriving to such conclusion, fixing liability upon this petitioner to have worked beyond the period of superannuation.

5. On the other hand, learned counsel representing Veer Kunwar Singh University, Ara submits that such impugned order though has been passed, but it is in the background that date of birth, as per Medical Board so constituted, could not have been assigned as 26.06.1950, and on that basis this petitioner has got for two more years to serve in the College, which amount of salary has been made recoverable from him.

6. On being confronted, learned counsel representing University does not dispute the fact that this petitioner had worked during those periods and is legally entitled to the salary to the said period, against the duties discharged.

7. Considering the fact that the date of birth was fixed as per the recommendation of the Medical Board constituted in this regard, which was duly accepted by the authorities of the University as well as there being no objection on behalf of the petitioner and as such, the issues which have been put at rest



could not have been re-opened at this stage, and that too after this petitioner has retired, while it is admitted position that salary for the said period was paid as against the duties discharged.

8. Therefore, the impugned order, as appended with the writ petition as Annexure-5, is set aside and any amount deducted on the basis of the order impugned, shall be refunded forthwith.

9. The instant writ petition stands allowed.

(Ajit Kumar, J)

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