

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.103 of 2021

In
Civil Writ Jurisdiction Case No.14019 of 2014

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1. Narendra Kumar Sinha S/o Late Mundrika Prasad Singh Assistant Professor in Physiotherapy and Occupational Therapist (retired) Viklang Bhawan Hospital, Kankarbagh, Patna- 20, R/o Priyadarshi Nagar, P.O. Bahadurpur Housing Colony, P.S. Agamkuan, Kumhrar, Patna- 26.
 2. Prem Prakash Sharma S/o Late Sadhu Sharan Sharma Assistant Professor in Physiotherapy and Occupational Therapy (retired) Viklang Bhawan Hospital, Kankarbagh, Patna- 20, Flat No.- 404, Nilamber Apartment, East Boring Canal Road, P.S.- Budha Colony, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Deputy Secretary, Department of Health, Govt. of Bihar, Patna.
5. The Secretary, Department of Finance, Govt. of Bihar, Patna.
6. The Secretary (Resources), Department of Finance, Govt. of Bihar, Patna.
7. The Deputy Secretary, Department of Finance, Govt. of Bihar, Patna.
8. The Director-in-Chief, Health Services, Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anand Kumar Ojha, Sr. Adv.
For the Opposite Party/s :	Mr.S.D. Yadav, AAG-9
	Mr. Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 03-07-2025 Heard Mr. Anand Kumar Ojha, learned Senior
Counsel for the petitioner and the State.

2. The present writ petition has been preferred for:

*seeking appropriate review of the
Order and Judgment dated 18.02.2019
passed in CWJC No. 14019/2014 passed by
Hon'ble Mr. Justice Madhuresh Prasad of*



the Hon'ble High Court whereby and whereunder ignoring the facts of writ petition being filed much before 31.08.2014/30.09.2014 (respective dates of retirements of the two Petitioners respectively) and the enhanced age of superannuation under Notification dated 03.05.2017 allowing the relief being issued during the pendency of the writ application, the Learned Single Judge dismissed the writ application for want of challenge against the Notification dated 03.05.2017 and cutoff date contained therein non-suited the Petitioners on the ground of having retired much before and much prior to the cutoff date of Notification dated 03.05.2017.

3. The Writ Court vide an order dated 18.02.2019 taking note of the fact that the notification clearly states that it shall come into force with immediate effect meaning thereby from the date of issuance of **notification no. 3142/F** dated **03.05.2017** issued by the **Finance Department, Bihar, Patna** under the signature of the **Secretary (Expenditure), Finance Department, Bihar**, the said notification having not been challenged nor any submission made advancing assailing of the cut off date, no direction can be given for enhancement of the retirement age. Accordingly, the writ petition was dismissed.



4. Aggrieved, the **LPA No. 393 of 2019** was preferred which was taken up by a Division Bench headed by the then Hon'ble the Chief Justice and vide an order dated **15.03.2021**, the appeal was dismissed granting liberty to prefer review, if any.

5. This is how the review petition has been filed.

6. Learned Senior Counsel submits that the order of the Madhya Pradesh High Court in the case of **Commissioner of Sales Tax Vs. Hukumchand Mills [reported in (2005) 139 STC 1: 2004 SCC Online MP 163]** as also Hon'ble Apex Court order in **(1983) 1 SCC 305 (D.S. Nakara & Ors. Vs. Union of India)** supports his case.

7. Learned Senior Counsel for the petitioner further submits that though admittedly, two petitioners retired in the year 2014 itself and the notification came into existence on 03.05.2017, it will suffice if their grievance is at least considered by the respondents. In that background, learned Senior Counsel submits that he may be granted liberty to approach appropriate authority/forum for the redressal of the grievance.

8. The Writ Court has passed a reasoned order, admittedly the service period of the two petitioners came to an



end in the year 2014, the notification dated 03.05.2017 by which the superannuation period was enhanced to 67 years became effective from the said date. Neither the notification was challenged nor any submission was made assailing it, the said notification dated 03.05.2017, in that background, this Court do not find any error in the reasoned order passed by the Writ Court.

9. If the petitioners want to approach appropriate authority/forum, the same is always available to them.

10. Granting said liberty and without commenting on the merit of the case, the review petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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