

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17451 of 2025

Dr. Mahesh Prasad Rai @ Mahesh Prasad Rai, Son of- Late Mahabir Prasad Rai, Resident of- Dwarika Puri Colony, Dr. Rajendra Prasad Road, Bhagalpur, P.S.- Kotwali, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. The Tilka Manjhi Bhagalpur University, Bhagalpur, through its Registrar.
5. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
7. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
8. The Principal, Sabour College, Sabour, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner	:	Ms. Aditi Sharma, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14 Mrs. Jahan Ara, AC to GP-14
For T.M.B. University	:	Mr. Ashhar Mustafa, Advocate Ms. Anita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

2 07-11-2025 Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner, who retired from service on 31.01.2021 while working as Associate Professor, Commerce in Sabour College, Sabour, Bhagalpur, has filed this writ petition challenging the order dated 18.01.2023, issued by the Registrar of the Tilka Manjhi Bhagalpur University, Bhagalpur vide



Notification No. 120/2023 under Memo No. 13/13822-13878, whereby the petitioner's services as Associate Professor, Commerce has been terminated.

3. Learned counsel for the petitioner has contended that the impugned termination order has been issued by the respondent authorities without holding any departmental proceeding and that too after the petitioner's retirement from the service.

4. Learned counsel for the University has fairly submitted that the petitioner could not have been terminated from the service by the impugned order after the petitioner has retired from service, without holding any departmental proceeding, in accordance with law.

5. Considering the submissions made by the learned advocates for the contesting parties and in view of the settled principle of law that the services of the retired employees could not be terminated without holding departmental proceeding, in accordance with law by following due procedures including the principle of natural justice, the impugned order dated **18.01.2023** issued by the **Registrar of the Tilka Manjhi Bhagalpur University, Bhagalpur** vide Notification No. **120/2023** under Memo No. **13/13822-13878** is hereby set aside



and quashed.

6. Consequent upon quashing of the impugned termination order dated 18.01.2023 issued by the Registrar of the Tilka Manjhi Bhagalpur University, Bhagalpur, the respondents are directed to restore the pension of the petitioner forthwith.

7. With regard to the other grievances of the petitioner as contained in representation dated 23.03.2022 filed by the petitioner, which is pending before the Registrar of the University, may be considered, in accordance with law.

8. The consideration, as directed shall be made by the Registrar of the University within three months from the date of receipt of certified copy of the order, preferably by giving an opportunity of hearing to the petitioner.

9. Entitlement of the petitioner as contained in the representation filed by the petitioner before the Registrar of the University shall be in accordance with the order that may be passed by the Registrar of the University on the representation of the petitioner, in accordance with law.

Narendra/-

(Nani Tagia, J)

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