

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3267 of 2025

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1. Ramji Prasad S/o Sri Shiya Sharan Prasad, Resident of Mohall-Ghana Colony (New Jaganpura), P.S- Ramkrishna Nagar, District-Patna.
 2. Vijendra Kumar Singh S/o Late A.G. Singh, Resident of Village Shivpur, P.S. Nawanagar, District- Buxar.
 3. Jag Narayan Prasad S/o Sri Prayag Prasad, Resident of Ward No.5 Nai Bazar, Near Badi Masjid, Buxar, P.S.- Buxar Mufasil, District- Buxar.
 4. Surendra Kumar Singh S/o Haribansh Singh, Resident of Mohalla- Koran Sarai, P.S.- Koran Sarai, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director (Primary Education), Government of Bihar, New Secretariat, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Establishment), Patna, District- Patna.
6. The District Education Officer, Buxar.
7. The District Programme Officer (Establishment), Buxar, District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the Respondent/s : Mr. Government Advocate-5

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 19-01-2026 Heard the parties.

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

*A. A writ in the nature of Mandamus or any
other appropriate Writ, Order(s),
Direction(s) commanding the Respondents
to enhance the superannuation age of the*



Petitioners to 62 years, ensuring parity with elementary/primary teachers of Sanskrit Schools in Bihar, along with all consequential benefits.

3. Learned counsel for the petitioner submits that as per the assertion made in the writ petition, previously the age of superannuation for elementary/primary teachers was 62 years. Subsequently, vide resolution dated 09.02.1973, the State Government took over all elementary/primary schools previously managed by Municipalities, effective from 01.01.1971, converting them into Government schools and by the same resolution reduced the superannuation age of the elementary/primary teachers from 62 years to 55 years to give them the complete status of Government teachers. Subsequently, the age limit was revised to 58 years, which was subsequently enhanced at 60 years vide memo no. 458, dated 18.07.1994.

4. It is the case of the petitioner that he should have been given parity with the elementary/primary teachers of Sanskrit Schools in Bihar wherein the retirement age has been fixed at 62 years.

5. A counter affidavit has been filed on behalf of the Deputy Secretary, Education Department, Government of Bihar, Patna where in paragraphs 6 & 8, it has been categorically stated



as follows :-

6. *That, in the above regard, it is most humbly submitted, at the very outset, that fixing/revising the age of superannuation is a matter pertaining to policy decision of the State Govt. The petitioners, having knowledge of the age of superannuation to be 60 years, had applied for and, on being selected, joined as teachers. As such, at the verge of attaining their age of superannuation, they cannot simply claim their age of superannuation at 60 years to be arbitrary, which is wholly misplaced, misconceived and not at all maintainable in the eyes of law.*

8. *That, in the above regard, it is most humbly submitted that the service conditions of teachers teaching in Recognized Non-Government Sanskrit Schools are not, in any way, akin to the Govt. School teachers. Even the appointments so made are done by the respective Managing Committees and their salaries fare much low as compared to Govt. School Teachers, who are being appointed by the Govt. authorities on the recommendations made by the Bihar Public Service Commission (hereinafter Commission).*

The Recognised Non-Government Sanskrit Schools often depend on the Govt. Aids/Grants to disburse salaries to the teachers teaching in these schools while the Govt. School Teachers get Pay Scales, Grade



Pay and other allowances. Thus, no comparison can be made between these two entirely different classes and, as such, seeking parity with teachers of Recognised Non-Government Sanskrit Schools is wholly misplaced and misconceived.

6. Further, the age of superannuation of the elementary/primary teachers was fixed at 60 years by the State Government vide resolution contained in Memo No. 458 dated 18.07.1994 and admittedly, the petitioner has joined in service after the issuance of the above referred resolution and he accepted the terms and conditions, according to which, the date of superannuation is 60 years and he has never raised any grievance.

7. Accordingly, based on the facts above-mentioned and the fact that the petitioner at the time of his appointment was not aggrieved by the resolution of the State Government fixing the date of retirement at 60 years, now cannot claim for parity with the service conditions of the elementary/primary teachers of Sanskrit Schools in Bihar.

8. Accordingly, the writ petition stands dismissed.

(Ritesh Kumar, J)

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