

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1579 of 2026

1. Bhrigunandan Sharma Son of Chandeshwar Sharma, Resident of Village and P.O.- Bhorl, P.S.-Tekari, District- Gaya, Bihar, Pin Code- 824236.
2. Ram Bilas Mishra, Son of Late Yagyadatt Mishra, Resident of P.O.- Kuba, Village- Sugi, P.S.-Huntermanj, District- Chatra, Jharkhand, Pin Code- 825401.
3. Mahendra Pathak, Son of Late Shyam Lal Pathak, Resident of Village- Sewaichak, P.O.- Amarut, District- Gaya, Bihar, Pin Code- 824201.
4. Phool Jha, Son of Late Krishna Chandra Jha, Resident of Village- Ganauli, P.O. and P.S.- Andharatharhi, District- Madhubani, Bihar, Pin Code- 847401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Vikash Bhawan, New Secretariat, Patna, Pin Code- 800015.
2. The Director, Higher Education Department, Vikash Bhawan, New Secretariat, Patna, Pin Code- 800015.
3. The Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga through its Registrar.
4. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
6. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga.
7. The Governing Body of Sanskrit Up-Shastri College, Hardawan, P.S. Dobhi, District Gaya, Bihar, through its Secretary.
8. The Principal, Sanskrit Up-Shastri College, Hardawan, P.S.- Dobhi, District Gaya, Bihar.
9. The Governing Body of Rudra Sanskrit Up-Shastri College, Hulas, District- Supaul, Bihar, through its Secretary.
10. The Principal, Rudra Sanskrit Up-Shastri College, Hulas, District- Supaul, Bihar.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Respondent/s : Mr. Kumar Manish, Standing Counsel (5)
Mr. Arun Kumar Prasad, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 31-01-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*(i). For issuance of an appropriate writ (s)/
rule(s) /direction(s) in the nature of Mandamus
commanding the respondent concerned, for
payment of salary and allowances with statutory
interest to the petitioner no.1, for the period of
01.01.2022 till 31.12.2023, because the petitioner
no.1 was scheduled to retire on 31.12.2021, after the
attaining the age of 60 years, from the post of
teacher from Sanskrit Up-Shastri College,
Hardawan, P.S.- Dobhi, District Gaya, Bihar, but
as the government has decided to enhance the
retirement age of such Up-Shastri College teachers
up-to 62 years, therefore, the petitioner no.1 was
superannuated from service on 31.12.2023, after
attaining the age of 62 years and he has performed
his service up-to 31.12.2023. regularly, but salary
and allowances for the aforesaid period i.e.
01.01.2022 to 31.12.2023 has not been given to
him. AND also for payment of difference of pay
w.e.f. 01.04.2017 till 31.12.2023, on the basis of
7th Pay Revision, to the petitioner no.1.*

*(ii). For payment of salary and allowances
with statutory interest to the petitioner no.2 for the
period of 01.03.2016 to 28.02.2018, because the
petitioner no.2 was scheduled to retire on*



29.02.2016, after the attaining the age of 60 years, from the post of teacher from Sanskrit Up-Shastri College, Hardawan, P.S.- Dobhi, District Gaya, Bihar, but as the government has decided to enhance the retirement age of such Up-Shastri College teachers up-to 62 years, therefore, the petitioner no.2 was superannuated from service on 28.02.2018, after attaining the age of 62 years and he had performed his service up-to 28.02.2018, regularly, but salary and allowances for the aforesaid period i.e. 01.03.2016 to 28.02.2018 has not been paid to him. AND also for payment of difference of pay w.e.f. 01.04.2017 till 28.02.2018, on the basis of 7th Pay Revision, to the petitioner no.2. AND also for payment of 10% gratuity, leave encashment, along with 10% monthly pension from 01.03.2018 till date, because only 90% gratuity and leave encashment has been paid to petitioner no.2 and only 90% pension is being given to the petitioner no.2.

(iii). For payment of salary and allowances with statutory interest to the petitioner no.3 for the period of 01.09.2011 to 31.08.2013, because the petitioner no.3 was schedule to retire on 31.08.2011, after the attaining the age of 60 years, from the post of teacher from Sanskrit Up-Shastri College, Hardawan, P.S.- Dobhi, District Gaya, Bihar, but as the government has decided to enhance the retirement age of such Up-Shastri College teachers up-to 62 years, therefore, the petitioner no.3 was superannuated from service on 31.08.2013, after attaining the age of 62 years and he had performed his service up-to 31.08.2013, regularly, but salary and allowances for the aforesaid period i.e. 01.09.2011 to 31.08.2013 has not been paid to him. AND also for payment of 10% gratuity, leave encashment, along with 10% monthly pension from 01.09.2013 till date, because only 90% gratuity and leave encashment and



monthly pension have been paid to petitioner no.3.

(iv). For payment of salary and allowances with statutory interest to the petitioner no.4 for the period of 01.02.2022 to 31.01.2024, because the petitioner no.4 was scheduled to retire on 31.01.2022, after attaining the age of 60 years, from the post of teacher from Rudra Sanskrit Up-Shastri College, Hulas, District-the no.4 was Supaul, Bihar; but as the government has decided to enhance the retirement age of such Up-Shastri College teachers up-to 62 years, petitioner therefore, superannuated from service on 31.01.2024, after attaining the age of 62 years and he had performed his service up-to 31.01.2024, regularly, but salary and allowances for the aforesaid period i.e. 01.02.2022 to 31.01.2024 has not been paid to him. AND also for payment of difference of pay w.e.f. 01.04.2017 till 31.01.2024, on the basis of 7th Pay Revision, to the petitioner no.4. AND also for payment of leave encashment, which has not been given to him, till date.

(v). For grant of other relief / reliefs, to which the petitioners may found entitled, on the facts and circumstances of the case.

3. Learned counsel for the petitioners by referring to the notification issued by the Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, submits that in respect of the teachers of Up-Shashtri level, their age of superannuation has been extended from 60 to 62 years. While, these petitioners have already discharged their duties till the extended period of superannuation, but for no obvious reason, their salaries have not been paid.



4. In order to buttress his submissions, he has taken this Court to the judgment rendered by a Co-ordinate Bench decision in C.W.J.C. No.7009 of 2013, ***Gulab Jha v. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga and Others*** and C.W.J.C. No.10195 of 2022, ***Md. Ataur Rahman and Others v. The Union of India and Others***, which has been rendered with respect to the University in question.

5. On the other hand, learned counsel for the University and learned counsel for the State submits that the petitioner may be directed to file a separate representation showing his *bona fide* and as also the documents pertaining to discharge of duties, having been made by this petitioner along with the judgment which has already dealt with the issue in question.

6. Considering the submission of the parties, this Court is of the view that the representation shall be made by the petitioner to the Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, appending all documents along with a copy of this order, within a period of four weeks, which shall be adjudicated within a period of eight weeks from the date representation and if on adjudication, it is found that the claim of this petitioner is justified, then the benefits shall also be extended to him within



the same time.

7. Needless to say that if the petitioner is entitled to any revision in pay, a separate representation shall be made within the time so allowed and on filing of such application / representation, the grievance of the petitioner shall be considered along with the claim of salary within the same period and the entire grievance of the petitioner, shall be given quietus by passing appropriate order.

8. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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