
(2026) 01 JH CK 1828

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2255 Of 2020

Rajendra Sahu, Son of Late Dharmeswar Sahu

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 16-01-2026

Acts Referred:

Citation : (2026) 01 JH CK 1828

Hon'ble Judges : Deepak Roshan, J

Bench : Single Bench

Advocate : Shresth Gautam, A. K. Mehta, Amit Kr. Sinha

Final Decision : ii State of Bihar & Anr. v. Dr Radha Krishna Jha & Ors. (2002) 6 SCC 308"

Judgement

Deepak Roshan, J

1. The instant writ application has been preferred by the petitioner for the following reliefs:

"I. For issuance of an appropriate writ/writs, order/orders, direction/directions or writ in nature of mandamus commanding upon the Respondent to extend the benefit for the post of Demonstrator till the age of 65 years in view of the fact that the present petitioner has been re-designated by the State Govt. by way of a notification dated 26.02.2020 w.e.f their respective date of joining, and in view of the judgment reported in 2010(2) JCR 266 whereunder it has been held that demonstrator belongs to teaching cadre and it has also been well settled vide order dated 31.07.2013 passed in W.P(S) No. 2191/2012 that the amendment so made in the definition of teachers would be made effective prospectively and moreover vide notification dated 28.12.2012 by virtue of an amendment in the act, the age of retirement of teaching cadre has been enhanced by the state authorities to be 65 years;

II. For issuance of an appropriate writ/writs, order/orders, direction/directions or writ in nature of certiorari quashing of the order contained in memo no. 5/Mu.1-

123/2011-309/dated 26.02.2020 (Annexure- 7) in part confining to clause 3 of the said Memo issued under the signature of Deputy Secretary to the Govt., Department of Human Resources, Development (Higher Education, Directorate) and also the notification contained in Memo B/353/20 dated 25.06.2020 issued by the Respondent No.4 whereby and whereunder without taking consideration of the notification contained in Memo No. 279 dated 28.02.2013 issued under the signature of wherein complying the order passed by the Hon'ble Supreme Court in C.A No. 4215-16/2002 dated 22.07.2002 it has been determined that the actual payment of salary etc. would be payable to the re-designated demonstrator from their actual date of absorption, rather in contrary to the decision and also the provisions of Jharkhand Universities Act, the benefit of revised scale has been determined from an arbitrary date i.e. 26.02.2020.

III. Declaring that amendment dated 18.11.2011 so made in the definition of teachers as provided under Sec 2(v) of the Jharkhand University Act 2000 shall have a prospective effect.

IV. For issuance of such other writ(s)/order(s)/ directions(s) in nature of mandamus directing the Respondents to pay the Petitioner all sorts of benefits of service including the payment of revised scale in terms of the notification contained in Memo No 5/Mu.1-158/2010-279 dated 28.02.2013.

V. For issuance of such other writ(s)/order(s)/direction(s) as Your Lordships may deem fit and proper under the facts and circumstances of this case for doing equitable and conscionable justice to the petitioners."

2. It has been submitted that the issue involved in this writ application was considered in detail in W.P.(S) No. 2631 of 2018 with analogous cases titled "Brajesh Kumar Verma v. State of Jharkhand & Ors." wherein the Division Bench of this Court has categorically held in paragraph nos.35 and 41 that the Demonstrator who would not attain the age of 62 years by 26.12.2012 alone would be entitled to continue upto 65 years, provided they reach the said age before 15.02.2019.

3. Mr. A. K. Mehta, learned counsel for the respondent-University submits that apart from the judgment referred to hereinabove the issue was also deliberated in "State of Bihar & Anr. v. Dr Radha Krishna Jha & Ors." (2002) 6 SCC 308 wherein at paragraph nos. 10 and 11 the issue involved in this writ application has been set at rest.

4. After going through the facts of this case and the judgment referred to hereinabove, admittedly, the petitioner before the cut-off date i.e. 15.02.2019 was not designated as Demonstrator for whatever reason, inasmuch as, in view of Annexure-8 to the writ application, the petitioner was re-designated as Demonstrator pursuant to the cut-off date as such, no relief can be granted to the petitioner.

5. Accordingly, the instant writ application stands disposed of.