
(2017) 10 JH CK 0021
In the Jharkhand High Court
Case No : 5805 of 2015

Shri Sukhdeo Prasad

APPELLANT

Vs

The State of Jharkhand & Ors

RESPONDENT

Date of Decision : 13-10-2017

Acts Referred:

[Jharkhand State Universities Act, 2000](#), Section 2(v)

Citation : (2017) 10 JH CK 0021

Hon'ble Judges : Shree Chandrashekhar

Bench : SINGLE BENCH

Advocate : Ranjan Kumar Singh, ?Navin Kumar Singh, ?Radha Krishan Gupta, ?
Rajesh Kumar, ? B.K.Sinha

Final Decision : Dismissed

Judgement

1. The petitioners have made the following prayers in the writ-petition:

A. To treat the petitioner as a teacher in Vinoba Bhawe University, Hazaribagh.

B. To provide the petitioner all the benefits regarding the salary, age, retiral benefits and pension which are given to the University teachers of the University;

C. To consider and grant approval on extension of service by University as well to constitute Managing Committee as it is not in existence for last two years;

D. To consider the case of the petitioner for his

superannuation on attaining the age of 65 years at which the other teacher/lecturers of the University are superannuated; and

E. Pending final hearing of the instant writ-petition, the respondents be directed not to retire the petitioner on attaining the age of 60 years as he is entitled for services upto the age of the 65 years as he is a teacher of the University who has to retire at the age of 65 years.

2. At the outset, Mr. B.K.Sinha, the learned counsel for the respondent-University

raising a preliminary objection, submits that prayer for enhancement of age from 60 to 62 years by some of the employees under Baidyanath Kamal Kumari Sanskrit College, Deoghar has already been declined by a co-ordinate Bench of this Court in W.P.(S) No.549 of 2010 with W.P.(S) No.7491 of 2012.

3. The petitioner has pleaded that he was appointed as Assistant Teacher in Baidyanath Kamal Kumari Sanskrit College, Deoghar on 10.04.1980 and he would have attained the age of 60 years on 31.12.2015. Seeking a direction for enhancement in the age of superannuation with other prayers, the petitioner has approached this Court. During the course of hearing, the learned counsel for the petitioner has drawn attention of the Court to Resolution dated 24.10.2014 to contend that in the light of the decision taken by the State Government, the petitioner shall be paid pension and other post-retiral benefits.

4. Pursuant to order dated 09.08.2017, the respondents have filed counter-affidavit. The respondent-State has taken a stand that the State has taken a conscious decision dealing with the Intermediate education in University/Degree Colleges. The employees of the affiliated colleges cannot be compared to the employees of University/Constituent college. It is pleaded that Baidyanath Kamal Kumari Sanskrit College, Deoghar is an affiliated college and not a constituent college. The State Government has not granted affiliation for imparting education

upto degree level to the said college. In its counter-affidavit the respondent-University has asserted that there is no recommendation for granting the status of teacher as defined under section 2(v) of Jharkhand State Universities Act, 2000 to the teachers employed in the Inter-colleges such as, Baidyanath Kamal Kumari Sanskrit College, Deoghar. Moreover, the petitioner has not brought resolution/notification issued by the State, under which the petitioner is covered insofar as payment of pension and other post-retiral benefits are concerned. Resolution dated 24.10.2014 is confined to payment of leave encashment to the teachers of the school and not to the colleges.

5. Finding no merit, the instant writ-petition stands dismissed.