

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P(S) No. 4918 of 2010

Ramanand Jha, son of Late Krityanand Jha, Resident of-
Mohalla-Lohiya Nagar, P.O. and P.S. - Godda, District - Godda.

....Petitioner

- Versus-

1. The State of Jharkhand through the Secretary, Ministry of Human Resources Development Department, Government of Jharkhand, Ranchi having its office at Project Building, P.O. Dhurwa P.S. Dhurwa Dist Ranchi.
2. Director, Higher Education, Government of Jharkhand, Ranchi having its office at Project Building. P.O. Dhurwa P.S. Dhurwa Dist Ranchi.
3. Sidhu Kanhu Murmu University through its Vice Chancellor, Dumka P.O. & P.S. Dumka Dist Dumka
4. Registrar, Sidhu Kanhu Murmu University. Dumka P.O. & P.S. Dumka, Dist Dumka
5. Godda College, Godda through its Principal having its office at Godda, P.O. & P.S. - Godda, District Godda.

....Respondents

With

W.P(S) No. 3268 of 2014

Tarun Kumar Sarkar, son of late Rash Behari Sarkar resident of
Jamtara P.O.P.S & Dist Jamtara

.....Petitioner

-Versus-

1. The State of Jharkhand through the Secretary, Department of Human Resources Development Department, Government of Jharkhand, Ranchi having its office at Project Building, P.O. & P.S.- Dhurwa, District-Ranchi.
2. The Director, Higher Education, Human Resources Development, Government of Jharkhand, Ranchi having its office at Project Building. P.O. & P.S.- Dhurwa, District-Ranchi.
3. Sido Kanhu University through its Vice Chancellor having its office at Dumka P.O. P.S. & Dist Dumka
4. Registrar, Sido Kanhu University, Ranchi, having its office at Dumka P.O. P.S. & Dist Dumka

...Respondents

W.P(S) No. 3666 of 2014

Raghu Nandan Jha, Son of Late Govind Prasad Jha, resident of
Professors Colony, Upper Bilasi Town, P.O. + P.S. and District-
Deoghar

...Petitioner

- Versus-

1. The State of Jharkhand, through its Secretary, Human Resources Development Department (Higher Education), Project Building, Dhurwa, P.O.-Dhurwa, P.S.- Jagannathpur, District-Ranchi, Jharkhand.
2. The Secretary, Human Resources Development Department (Higher Education), Project Building, Dhurwa, P.O.-Dhurwa, P.S.-Jagannathpur, District-Ranchi, Jharkhand.

3. The Director, Human Resources Development Department (Higher Education), Project Building, Dhurwa, P.O.-Dhurwa, P.S.-Jagannathpur, District-Ranchi, Jharkhand.
4. The Vice Chancellor, Sido Kanhu Murmu University, Dumka, P.O. + P.S. and District-Dumka, Jharkhand, Pin-814101.
5. The Registrar, Sido Kanhu Murmu University. Dumka, P.O. and P.S. and District-Dumka, Jharkhand, Pin-814101.
6. The Principal, Deoghar College Deoghr, P.O. + P.S.+District-Deoghar, Jharkhand, Pin-814113.

...Respondents**W.P(S) No. 4020 of 2014**

1. Mirtunjay Kumar Dubey, Son of Late Mukund Prasad Dubey, Resident of Post Office Road, ChaprasiTola, Godda, P.O:- Godda, P.S:- Godda, Dist:- Godda
2. Raghbendra Kumar Thakur, S/o Sri Nalini Kant Thakur, Resident of Gulzarbagh, P.O:- Godda, Dist:- Godda
3. Om Prakash, Son of Sri KedarNathSah, Resident SarkandaChowk, P.O:- Godda, P.S:- Godda, Dist:- Godda
4. Uma Shankar Das, Son of Darshan Das, Resident of Lohiya Nagar, P.O:- Godda, P.S:- Godda, Dist:- Godda
5. Rajendra Prasad Mahto, Son of Sri Bijay Mahto, Resident of Sarkand (Pathara Road) P.O:- Godda, P.S:- Godda, Dist:- Godda
6. Amrendra Jha, Son of Late Shobha Kant Jha, Resident of Saketpuri, P.O:- Godda, P.S:- Godda, Dist:- Godda

...Petitioners

-Versus-

1. The State of Jharkhand, through the Secretary, Department of Human Resources Development, Govt. of Jharkhand having its office at Project Building, P.O. & P.S:- Dhurwa, Dist:-Ranchi.
2. The Secretary, Department of Human Resources Development, Govt. of Jharkhand having its office at Project Building P.O. & P.S:-Dhurwa, Dist:-Ranchi
3. SidhoKanhur Murmu University, through its Vice-Chancellor, having its office at Dumka, P.O & P.S. Dumka, Dist:-Dumka
4. The Registrar, SidhoKanhur Murmu University. Dumka P.O. & P.S. Dumka, Dist:- Dumka

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioners : M/s. Shray Mishra, Komal Tiwary,
Advocates

For the Pvt.-Respondents : Mr. Priyadarshi, G.P.-VI
(W.P(S) No. 4918 of 2010)
Varsha Ramsisari, A.C to G.P.-V

For the Sidho Kanhur Murmu University : M/s. Mithilesh Singh,
Vishal Kr. Rai, Advocates

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17/08.07.2025

Since the issue involved in all these writ applications are same and similar; as such, with consent of the parties all these writ applications are tagged together and being disposed of by this common judgment.

2. The petitioner(s) has prayed for the following reliefs in the respective writ applications; the details of which is given hereinbelow:

W.P.(S) No. 4918 of 2010

- i) For quashing of Notification No. 18/2010 dated 23.02.2010 issued by the Sidhu Kanhu Murmu University (Respondent No. 3 in the instant writ application) in terms of which a direction has been issued that the Petitioner, who is employed as a Demonstrator, Godda College, Godda, is to retire on 31.12.2010 on attaining 60 years of age which is in total disregard of the fact that the Petitioner is a "Demonstrator" which is a teaching post and hence the Petitioner is entitled to retire at the age of 62 years like other teachers of the University and therefore the action of the Respondent University in retiring the Petitioner is ultravires Articles 14 and 16 of the Constitution of India and violative of Section 2(p) of the Jharkhand Universities Act, 2000 and amounts to hostile discrimination against the Petitioner.*
- ii) During the pendency of the instant writ petition, the retirement of the petitioner in terms of the Notification No. 18/2010 dated 23.02.2010 issued by the respondent no. 3 may be stayed.*

W.P.(S) No. 3268 of 2010

- i) For a direction upon the respondents to allow the present petitioner to continue on the post of Demonstrator in view of the fact that the present petitioner has been redesignated by the State Govt. by way of a notification dated 28.09.2007 and also in view of the fact that the age of superannuation of Demonstrator is 65 years as per the order passed in a case reported in 2010(2)JCR 266 and also in view of the fact that the Demonstrator are teachers and the age of superannuation of a teacher is 65 years which has also been declared in the case of a similarly situated employee in of Bhubneshwar Prasad Gupta (W.P.(S)no. 2191/12).*
- ii) For quashing of office order no.21 contained in order no. 30.5.2014 whereby and whereunder it has been ordered that demonstrators would be superannuated from services on attaining the age of 60 years as they are non teaching employees in view of the fact that the present petitioner has been redesignated to the post of Demonstrator by way of notification dated 6.03.2012 issued by the respondent state and the age of superannuation of Demonstrator is 65 years(now 65) as per the order passed in a case reported in 2010(2)JCR 266.*

W.P.(S) No. 3666 of 2014

- i) For a direction upon the respondents to allow this petitioner to continue the work on the post of Demonstrator in the department of Zoology in Deoghar College, Deoghar under the Sido Kanhu Murmu University, Dumka and further be pleased to stay the operation of the amended provision of Clause 2 (v) of the Jharkhand University Act, 2000 and the officer order no.21/2014 dated 30.05.2014 issued under the signature of the Registrar, Sido Kanhu Murmu University, Dumka vide SKMU/R-G/398/14 and the letter/order of the Principal, Deoghar College, Deoghar dated 24.06.2014 asking the petitioner to retire from his service with effect from 30.05.2014 even when the petitioner had to superannuate from his service*

on reaching the age of 65 years, yet he was made to retire with effect from 30.05.2014. The aforesaid amendment of the Section 2 (v) of the Jharkhand University Act, 2000 reversing the Demonstrator to imparting instruction by which the post of teacher has been redefined as being non-teaching staff, amounts to circumventing the decision of the Hon'ble Supreme Court of India in S.L.P. No.7021 of 1999 in Civil Appeal No.4215/16/2002 decided on 22.07.2002 as such, the letter of the Registrar of Sido the Kanhu Murmu University, Dumka letter dated 30.05.2014 in office order no.21/2014 and of the Principal, Deoghar College, Deoghar dated 24.06.2014 are fit to be quashed by this Hon'ble Court.

W.P.(S) No. 4020 of 2014

- i) For quashing of the order no. 21/2014 issued by the Registrar whereby and whereunder it has been ordered that demonstrator would be superannuated from service on attaining the age of 60 years treating them to be non-teaching cadre on the alleged ground that there has been an amendment in the definition of teacher and as such now "Demonstrator" do not fall under the bracket of teachers as defined under Sec 2(v) of the Jharkhand University Act 2000, even when the petitioners were redesignated to the post of demonstrator w.e.f from there dates of initial joining and in terms thereof the amendment so done on 18.11.2011 would have a prospective effect which has also been held in the case of Bhuneshwar Prasad Gupta versus state of Jharkhand and also in lieu of the fact that pursuant to redesignation of petitioner as demonstrator a notification has also been issued by the concerned university declaring the petitioner to be belonging to teaching cadre.*
- ii. For a direction upon the respondent to allow the present petitioners to continue on the post of Demonstrator till attaining the age of 65 years, in view of the fact that the present petitioner has been redesignated by the State Govt, by way of a notification dated 28.09.2007 w.e.f. from their respective dates of joining and in view of judgment reported in 2010(2)JCR 266 whereby and whereunder it has been held that demonstrator belongs to teaching cadre and it has also been held in the case of in of Bhubneshwar Prasad Gupta (W.P.(S)no. 2191/12) that the amendment so made in the definition of teachers would be made effective prospectively.*
- 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.*

3. At the outset, learned counsel for the Petitioner(s) submits that the issue involved in these writ applications is covered by the judgment passed by Division Bench of this Court in W.P(S) No. 2631 of 2018 with analogous cases [*Brajesh Kumar Verma Vs. State of Jharkhand & Others*], wherein paragraph nos. 34, 41 & 42, the learned Division Bench has held as under:

“34. So, those among the demonstrators who would attain the age of 62 years as on 25.12.2012, are entitled to salary and allowances till they attain the age of 62 years and the respondents shall pay them the same within 8 weeks from today.

41. So those demonstrators who would complete the age of 60 years after 15.2.2019 would retire on the date they would complete the age of

60 years; but those who had already crossed the age of 60 years as on 15.2.2019, but not crossed the age of 65 years, would retire on 15.2.2019. 42. So the latter would have to be paid salary and allowances till 15.2.2019 for the period they would have worked after attaining the age of 60 years and the respondents are directed to pay the same to them within 8 weeks from today.

4. Relying upon the aforesaid paragraphs rendered in the aforesaid judgment, learned counsel for the Petitioners submits that these writ petitions may also be disposed of in the same line with the same reasoning and similar benefits may be extended to these Petitioners.

5. Learned counsel for the respondents in respective writ applications does not oppose the aforesaid contention and fairly submits that all these writ applications are squarely covered by the judgment passed in the case of *Brajesh Kumar Verma(Supra)*.

6. Having regards to the aforesaid submission and the judgment referred to hereinabove, all these writ applications are hereby disposed of on the same reasoning and findings what has been given in the case of *Brajesh Kumar Verma (Supra)*; accordingly, similar benefits may be extended to these petitioners within a period of 12 weeks from the date of receipt of a copy of this order.

7. Consequently, all these writ applications stand disposed of.

8. Pending I.A(s), if any, stands disposed of.

(Deepak Roshan, J.)

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