

Court No. - 35

Case :- WRIT - A No. - 16942 of 2023

Petitioner :- Prof. Hari Nath Prasad

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Ujjawal Satsangi

Counsel for Respondent :- A.S.G.I., Hem Pratap Singh

Hon'ble Vikas Budhwar,J.

Heard Sri Ujjawal Satsangi, learned counsel for the petitioner and Sri S.K. Srivastava, who appears for the respondent no.1 and Sri Hem Pratap Singh learned counsel, who appears for Respondents 2, 3 and 4.

The case of the writ petitioner is that he was initially inducted in B.H.U. as Assistant Professor in the Department of Library and Information Science on 16.7.1982 and pursuant to an advertisement for the post of Professor, he was selected and joined the post in question on 27.9.2004. According to the writ petitioner he was appointed as a Vice Chancellor of Nalanda Open University Patna wherein he assumed the charge on deputation.

It is the further case of the writ petitioner that post of Professor is Level-14 however he was entitled to be promoted on the post of Senior Professor Academic Level-15 and thus according to the writ petitioner though recruitment exercise commenced however he was informed on 7.11.2020 to make himself available for interview before Selection Committee on 10.11.2020 at 10:00 in B.H.U. campus.

It is the case of the writ petitioner that he requested that the interview be conducted online to which the writ petitioner submits that he received information that it will be conducted online but he was not given any opportunity to participate an interview online. The writ petition claims to have represented the matter before respondents that he was to retire on 31.1.2023 thus interview be conducted however according to the writ petitioner he was given the session benefit till 30.6.2023.

Prayer in the present petition is to treat the writ petitioner to be as Senior Professor at Level-15 and refix the pension and to pay arrears of salary and pension.

Sri Hem Pratap Singh, learned counsel for the respondent-University has produced before this Court the UGC Regulation of the year 2018 dated 18.7.2018 under Clause-6 while inviting the

attention towards Clause-6.3 so as to contend that now for promotion under CAS, the applicant should be on roll and active service of University/College on the date of the consideration by the Selection Committee. He thus submits that the writ petitioner cannot be granted benefits. According to him in case the writ petitioner has any grievance post retirement then he should represent his cause before the third respondent, Vice Chancellor, B.H.U. Varanasi who shall address to the claim of the writ petitioner.

To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, Vice Chancellor, B.H.U. Varanasi, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order without being obsessed and influenced by any of the observations made herein above.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 16.10.2023

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