

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5055 of 2015

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1. Dr. Ram Kauleshwar Roy s/o Late Judagi Roy R/o Village : Akilabad,
P.S. : Hajipur Sadar, District : Vaishali, at present residing at 15 Duplex ,
Vijay Heritage , Uliyan , Kadama, District- Jamshedpur.

.... Petitioner/s

Versus

1. The Vice Chancellor Rajendra Agriculture University, Pusa , District:
Samastipur.
2. The Registrar, Rajendra Agriculture University, Pusa , District :
Samastipur.
3. The Director Administration, Rajendra Agriculture University, Pusa ,
District: Samastipur.
4. The Principal, Bihar Agriculture, College, Sabaur, District: Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Singh

For the Respondent/s : Mr. Manindra Kishore Singh, S.C. VI

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

4 01-07-2015 Petitioner after more than 12 years of his
superannuation suddenly discovers that he has not been given the
benefit of promotion under the stagnation scheme. He had right of
stagnation promotion because the petitioner did not get promotion
on higher post for a long period of time.

The first thing which comes in way of the
petitioner is that this issue was open for him at the time when
cause of action arose and when he was still in service. The
promotion which he is looking for after 12 years of
superannuation cannot accrue to him, as a matter of right, at such



a belated stage. Even otherwise the respondent authorities have filed counter affidavit and they have taken a stand that the case of the petitioner was taken up at the appropriate time. He was put through the requirements in terms of clause 17.1 of RAU statute after due constitution of a Selection Committee for consideration of promotion under Career Advancement Scheme. The evaluations of all the candidates were made. The petitioner did not obtain minimum qualifying marks as per the parameters which were pressed into service in such assessment. This is evident from paragraph 8 of the counter affidavit.

Since the petitioner did not touch the tape by obtaining minimum 66 marks out of 100, obviously he did not qualify as per the scheme and promotion could not be granted to him in the said facts, as a matter of right, merely because of length of service under the respondents. The reason for non grant is obvious and it cannot be said to be contrary to any provision, statute or suffers from element of arbitrariness.

This writ application is, accordingly, dismissed.

(Ajay Kumar Tripathi, J)

Amin/-

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