

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19086 of 2010

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Binod Kumar Jha S/O Sri Narendra Jha R/O C/20, Kankar Bagh Housing Colony,
Patna-800020

.... Petitioner

Versus

1. The Chancellor, Universities Of Bihar, Raj Bhavan, Patn
2. The B.N. Mandal University, Madhepura Through Its Registrar
3. The Vice-Chancellor, B.N. Mandal University, Madhepura
4. The Registrar, B.N. Mandal University, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Singh, Advocate

For the University : Mr. Shashi Bhushan Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 27-01-2015

Heard the counsel for the petitioner and Mr. Shashi Bhushan Singh who has appeared on behalf of the B.N. Mandal University (for short 'the University') .

The petitioner was considered and granted promotion to Senior Scale Lecturer w.e.f. 26.4.2001 which is the date of completion of orientation course by the petitioner vide order dated 04.11.2009 issued by the Registrar of the University.

The grievance of the petitioner is that he ought to have been granted such promotion under Career Advancement Scheme w.e.f. 08.11.2000 when he completed four years as Lecturer. Indisputably, the petitioner joined the service after obtaining Ph. D. degree.



A counter affidavit was filed on behalf of the respondent. Perusing the stand taken in para 8 thereof and the submissions of the counsel for the petitioner that the Statute of the University has been clarified/modified by the office of the Chancellor, this Court under order dated 19.01.2015, on the request of the counsel for the University, granted time to take instruction. For better appreciation this Court would extract hereinbelow the order dated 19.01.2015 :-

“Counsel for the petitioner and University are present.

The claim of the petitioner for shifting his date of promotion to Senior Scale Lecturer from 26.04.2001 to 8.11.2000 has mainly been resisted by the University on the basis of statements made in Paragraph 8 of the counter affidavit. Counsel for the petitioner has relied on a notification issued from the Office of Hon’ble Chancellor, Bihar contained in letter no. BSU/17/2009 dated 26.9.2012 stating that the office of the Chancellor has already clarified the matter whereby the claim of the petitioner has been found justified.

Counsel for the University states that the matter be placed after 05 days enabling him to take instruction in the matter.

Let this matter come up after 07 days in the same list. Counsel for the petitioner has undertaken to produce a legible copy of the aforesaid notification dated 26.9.2012 issued from the office of the Chancellor.”

Mr. Singh counsel for the University on taking instruction from the University and after going through the provisions contained in the notification issued by the office of the Chancellor

dated 26.09.2012 fairly states that the petitioner would be entitled to such grant of promotion w.e.f. 08.11.2000.

Considering the agreement at Bar, this Court disposes of the application by directing the Registrar of the University (respondent no.4) to pass appropriate orders granting the petitioner the benefit of Senior Scale Lecturer w.e.f. 08.11.2000 within a period of four weeks from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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