

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.197 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 17445 of 2012

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Neman Pandit, Son of Late Madan Pandit, Resident of Village- Alampur,
Police Station- Parsa Bigha, District- Jehanabad

.... Petitioner/ Appellants

Versus

1. The State of Bihar Through The Principal Secretary, High Education,
Government of Bihar, Patna
2. The Magadh University Through Vice Chancellor, at and P.O.-
Bodhgaya, District- Gaya
3. The Registrar, Magadh University, At And P.O.- Bodhgaya, District-
Gaya
4. The Principal, T.P.S. College, at and P.O.- Patna, District- Patna
5. Brahmdeo Sharma, Father's Name not known to the Petitioner, Posted as
Store Keeper, T.P.S. College, Patna Through The Principal T.P.S. College,
Patna
6. Indradeo Prasad, Father's name not known to the Petitioner, Posted as
Store Keeper, T.P.S. College, Patna Through The Principal T.P.S. College,
Patna
7. Ramashish Yadav, Father's name not known to the Petitioner, Posted as
Store Keeper, T.P.S. College, Patna Through The Principal T.P.S. College,
Patna

.... Respondents/Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakti Suman Kumar, Advocate
For the State : Mr. Udai Shankar Singh, AC to GA 7
For the University : Mr. Krishna Nandan Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

4 27-06-2016 The challenge in the present Letters Patent Appeal is to

an order dated 26th November, 2013 passed by the learned Single

Bench in CWJC No. 17445 of 2012, whereby the claim of the

appellant for promotion to Class III post was dismissed.

The University has filed counter affidavit today in Court. The said affidavit is at variance with the stand of the University taken before the learned Single Bench. Since there is lack of clarity of facts, we deem it appropriate to direct the University to examine the claim of the appellant in the light of the facts now available on record and to pass a fresh order to consider the appellant for promotion.

In view of the said fact, the order passed by the learned Single Bench is set aside. The University is directed to consider the claim of the appellant for promotion in the light of the recent facts submitted by it. Fresh order as per the rules applicable from the date when the alleged junior or similarly situated employees were promoted shall be passed within three months from today.

This appeal is allowed accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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