

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5540 of 2013

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Dr. Prem Chandra Gupta S/o Sri Ram Chandra Gupta R/o Gupta Press,
Mahanthilal Chowk, at and P.O.- Madhubani, P.S.- Madhubani, Presently
Residing at Quarter No.- A-11, M.I.T. Campus, M.I.T., P.S.- Brahmpura,
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Old Secretariat, Patna.
2. The Principal Secretary, Science and Technology Department,
Government of Bihar, Technology Bhawan, Bailey Road, Patna.
3. The Joint Secretary, Science and Technology Department, Government
of Bihar, Technology Bhawan, Bailey Road, Patna.
4. The Deputy Secretary, Science and Technology Department,
Government of Bihar, Technology Bhawan, Bailey Road, Patna.
5. The Director, Science and Technology Department, Government of
Bihar, Technology Bhawan, Bailey Road, Patna.
6. The Principal Secretary, Finance Department, Government of Bihar, Old
Secretariat, Patna.
7. The Joint Secretary, Finance Department, Government of Bihar, Old
Secretariat, Patna.
8. The Bihar Public Service Commission, through its Secretary, Bailey
Road, Patna.
9. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
10. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhruba Mukharjee, Sr. Adv.
Mr. Neeraj Kumar, Adv.

For the BPSC : Mr. Kumar Brajendra Nath and
Mr. Subodh Chandra, Jha, Adv.

For the State : Mr. Anjani Kumar, AAG-VI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 31-03-2016 The order dated 27.01.2016 is modified to the extent

that at page 2 in para 10 of the order, the word “Committed” be

read as “Committee”.

Heard learned counsel for the petitioner, learned

counsel for the State and the Bihar Public Service Commission.



In the present case, limited grievance has been raised by the petitioner that he has been given the benefit of promotion to the post of Assistant Professor with effect from 01.07.2000 instead of 07.12.1998, as per the petitioner he is entitled from 07.12.1998 as has been accepted by the Department itself that the petitioner is entitled to the benefit of promotion from the aforesaid date, but the Commission in absence of the relevant document, has recommended the date of promotion from 01.07.2000. The petitioner was appointed on 07.12.1988 in M.I.T, Muzaffarpur as Lecturer and was granted Senior Grade Scale on 07.12.1993. Later on, instead of granting the benefit of promotion to the post of Assistant Professor from 07.12.1998 has been granted the benefit from 01.07.2000.

Admittedly, the Commission has fixed the date of promotion from 01.07.2000 on account of the fact that the relevant record for the purposes of consideration of the case for promotion from the aforesaid date, was not available with the Commission and that fault was committed by the State Government, not supplying the necessary document for arriving to a right conclusion.

The State has filed the affidavit and accepted that in terms of the regulation, the petitioner is entitled to the promotion from 07.12.1998 and the counsel for the Commission has fairly

accepted that the decision was taken on account of absence of relevant documents.

In such view of the matter, let the Commission consider the case of the petitioner in view of the fact that the State Government itself accepts, the petitioner is entitled to benefit of promotion from 07.12.1998. The Commission is directed to consider the case of the petitioner within six months from the date of production/receipt of a copy of this order for the purposes of shifting back the date of promotion from 01.07.2000 to 07.12.1998.

In view of the affidavit filed by the State, this Court feels that no further material is required for the Commission for due consideration. After receipt of recommendation of the Commission, the State will pass necessary order.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

siddharth/-mahesh

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