

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11900 of 2011

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Dr.Sachchida Nand Prasad, son of Late Shiv Narayan Prasad R/O New Colony, Kalibari, Shah Mir Takiya , P.S. Civil Lilnes, Distt. Gaya
..... Petitioner

Versus

1. The Magadh University Bodh Gaya, through its Registrar
 2. The Vice Chancellor, Magadh University, Bodh Gaya
 3. The Registrar, Magadh University, Bodh Gaya Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.
For the Respondent/s : Mr. Pranav Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 10-02-2016 Heard Sri Abhinav Srivastava, learned counsel for the petitioner and Sri Pranav Kumar, learned counsel, who has appeared on behalf of Respondent/ Magadh University, Bodh Gaya.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondents to consider his case for promotion to the post of University Professor.

In this case, a counter affidavit has been filed on behalf of Respondent nos. 1 to 3 and dealing with the averment made in the writ petition, a stand has been taken that the case of the petitioner regarding promotion from the post of Reader to the post of University Professor under Merit Promotion Scheme was placed before the Selection Committee on 23.03.2011 itself.

However, the same was refused. Certain fact has also been stated in paragraph-9 of the counter affidavit regarding non-entertaining the claim of the petitioner.

Learned counsel for the petitioner submits that only through counter affidavit, the University has come out with a stand that the claim of the petitioner was rejected, but earlier no communication was made to the petitioner.

In view of facts and circumstances, the Court proposes to dispose of the writ petition granting liberty to the petitioner to file fresh representation regarding consideration of his claim for promotion to the post of University Professor before the Registrar of the University i.e. Respondent no.3. If such representation is filed within six weeks from today, the Court expects that the Respondent no.3 i.e. Registrar of the University may examine the same and pass appropriate order in accordance with law preferably within three months from the date of filing of such representation. Even in case of refusal, Respondent no.3 is required to pass a speaking order and communicate the same to the petitioner within the aforesaid time.

With above observation and direction, the writ petition stands disposed of

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(Rakesh Kumar, J)