

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9950 of 2011

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Dr.Yoganand Das, aged about 61 years S/O Late Pulkit Lal Das, resident of Belarahi, P.S.-Jhanjharpur, Distt-Madhubani, presently residing in Mithila Colony, Danapur, P.S.-Danapur, Distt.-Patna and working on the post of Reader (Redesignated as Associate Professor), in Physics Deptt. B.S.College, Danapur, Patna (a Constituent Unit of Magadh University).

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, Govt of Bihar Patna
3. Secretary, Higher Education, Department of Human Resources, Govt, of Bihar Patna
4. Maghadh University through its Vice-Chancellor, at Bodh Gaya, Gaya
5. The Vice Chancellor, Magadh University, at Bodh Gaya, Gaya
6. The Vice Chancellor-cum-Chairman, University Selection Committee, Magadh University at Bodh Gaya, Gaya
7. The Registrar, Magadh University, at Bodh Gaya, Gaya
8. Principal, B.S. College, Danapur, (a Constituent Unit of the Magadh University) Danapur, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.
For the Respondent/s : Mr. AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 08-02-2016 Heard Sri Pramod Kumar Sinha, learned counsel for the petitioner, learned AC to SC-6 as well as Sri Bhaskar Shankar, learned counsel for the Respondent/ Magadh University, Bodh Gaya, Gaya.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondents, particularly Respondent nos. 5 to 7 to consider the case for his promotion to the post of University

Professor under U.G.C. sponsored Scheme, namely, Statutes regarding Merit Promotion of Readers as University Professor

It was submitted by learned counsel for the petitioner that despite the fact that the petitioner's representation for promotion to the rank of University Professor under the Merit Promotion Scheme was forwarded by the concerned Principal of the college to the Vice-Chancellor, no communication has been made by the University either accepting or rejecting the claim of the petitioner, whereas in the counter affidavit, a vague stand has been taken by the Respondents that the case of the petitioner was considered and rejected. However, no order has been brought on record rejecting the claim of the petitioner.

In view of the fact and circumstances, the Court proposes to dispose of the writ petition granting liberty to the petitioner to file a detailed representation with supportive documents to the Registrar of Magadh University, Bodh Gaya i.e. Respondent no.7. If such representation is filed within eight weeks from today, Respondent no.7 is required to examine the same and pass appropriate order in accordance with law. If the claim of the petitioner is considered favourably, such order must be passed within a period of three months thereafter. Even in case of refusal of the same, the Respondent no.7 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.

(Rakesh Kumar, J)

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