

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.734 of 2013

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Keshav Kishore Sinha, Son of Late Chandra Kishore Sinha, Resident of Village P.O. Dharhara, District Vaishali, retired Games Teacher, Muzaffarpur Institute of Technology, Muzaffarpur, Patna

.... Appellant

Versus

1. The State of Bihar through the Secretary, Department of Science and Technology, Govt. of Bihar, Vikash Bhawan, Patna
2. The Director, Department of Science and Technology, Govt. of Bihar, Vikash Bhawan, Patna
3. The Principal, Muzaffarpur Institute of Technology, Muzaffarpur
4. Member Secretary, University Grant Commission, Bihar Shah Zafar Marg, New Delhi 110002
5. Secretary, All India Technical Education Council, New Delhi

.... Respondents

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Appearance :

For the Appellant/s : Mr. Kaushlendra Kumar Sinha, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 13-07-2016

The writ petitioner is in intra-court appeal against the judgment and order dated 20.07.2010, passed in C.W.J.C. No. 3426 of 1997 (Keshav Kishore Sinha Vs. The State of Bihar and others).

We have heard learned counsel for the appellant at length and perused the records. We are not inclined to interfere.

The writ petition was filed by the appellant seeking second time bound promotion in the UGC pay scale. During pendency of the writ petition matter was referred to the Principal Secretary, Department of Science and Technology, who decided the matter

against the writ petitioner holding that as the writ petitioner had already received upgradation of his pay-scale after he had received first time bound promotion he was not entitled to the second time bound promotion.

Writ petitioner- appellant was a Physical Instructor in Muzaffarpur Institute of Technology, an Engineering College of Government of Bihar. He had postgraduate diploma in physical education. He was treated by the Government as a teacher and given UGC/ AICTE pay-scale. It is not in dispute that he was given first time bound promotion. He does not dispute that after having received first time bound promotion his pay-scale was upgraded in the scale of Rs. 2200-4000/- with effect from 01.01.1986. Having received upgradation of pay-scale, we see no reason why petitioner still claims second time bound promotion. The condition for grant of time bound promotion, as it then existed, was non-grant of promotion and/or upgradation of pay scale.

We thus find no reason to interfere in the matter.
The appeal is, thus, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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