

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14565 of 2016

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Sudhir Kumar Ojha S/o Late Krishna Deo Ojha, R/o Village- Lahladpur Potahi,
P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Higher Education Department
Vikas Bhawan, New Secretariat, Baily Road, Bihar, Patna.
2. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar University, Muzaffarpur.
3. The Registrar, Baba Saheb Bhim Rao Ambedkar University, Muzaffarpur.
4. The Examination Controller, Baba Saheb Bhim Rao Ambedkar University,
Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Anish Kumar, Advocate
For the University	:	Mr Rakesh Kumar Singh, Advocate
For the S t a t e	:	Mr Sunil Kumar, AC to GA 12

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-03-2017

Petitioner has challenged the action of the respondents,
particularly, the University in the matter of giving promotion to the
various posts in the light of old Rule which, according to the
petitioner, should not be followed and a new Rule for giving
promotion should be formalized.

2 This dispute cannot be canvassed in the form of
Public Interest Litigation in view of the judgment rendered by the
Supreme Court in the case of Bholanath Mukherjee & Others –



Versus- Ramakrishna Mission Vivekananda Centenary College & Others since reported in 2011 (5) Supreme Court Cases 464 and followed recently by the Delhi High Court in the case of Forum of SC and ST Legislators and Parliamentarians –Versus- Oil and Natural Gas Corporation Ltd & Another (WP (C) No 1698 of 2017) decided on 27.02.2017.

3 The petitioner cannot be a person aggrieved with the promotions. The persons, who are aggrieved, will be at liberty to canvass their grievance independently in accordance with law.

4 With the aforesaid observation, this application is disposed of.

(Rajendra Menon, CJ)

M.E.H./-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	03.04.2017
Transmission Date	

