

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13717 of 2016

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Uma Shankar Prasad Son of Late Dhenuk Ram Resident of village - Dakshin Tola,
Post Office - Siwan, Police Station and District Siwan

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department,
Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Vikash
Bhawan, Patna
3. The Registrar, Jai Prakash University, Chapra, District - Chapra
4. Jai Prakash University, Chapra, through its Registrar, District Chapra
5. The Vice - Chancellor, Jai Prakash University, Chapra, District Saran at Chapra
6. The Finance Officer, Jai Prakash University, Chapra, District - Chapra
7. Baba Saheb Bheem Rao Ambedkar Bihar University, Muzaffarpur, through its
Registrar, District Muzaffarpur
8. The Registrar, Baba Saheb Bheem Rao Ambedkar Bihar University,
Muzaffarpur, District - Muzaffarpur
9. The Vice - Chancellor, Baba Saheb Bheem Rao Ambedkar Bihar University,
Muzaffarpur, District Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-08-2017

Heard learned counsel for the petitioner; State; J. P.

University, Chapra and Baba Saheb Bheem Rao Ambedkar Bihar



University, Muzaffarpur.

2. Though the petitioner has moved the Court seeking various retiral benefits but it appears that the petitioner was promoted from 4th Grade to 3rd Grade by the post having been specially created for him by the then Vice Chancellor to give effect to such promotion, as would be clear from letter dated 08.10.1977 of the Deputy Registrar of the then Bihar University, copy of which is Annexure-1 to the writ application.

3. An objection has been taken in the counter affidavit filed on behalf of the State with regard to such promotion not being permissible by the Vice Chancellor by creating a post without due and prior approval of the State since it creates financial liability.

4. In the tentative view of the Court, such objection is sustainable for the reason that financial liability for creation of post without concurrence of the State, which is to make payment for such post, since the financial liability rests with the State, such action is impermissible.

5. Such fact having come to light, the Court, in its extraordinary, prerogative and discretionary writ jurisdiction under Article 226 of the Constitution of India, does not feel inclined to interfere and pass any positive order.

6. Accordingly, the writ petition stands dismissed.



7. However, it shall be open to the petitioner to move before the appropriate forum, in accordance with law, for redressal of his grievance.

(Ahsanuddin Amanullah, J)

Anjani/-

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