

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.605 of 2015

In

Civil Writ Jurisdiction Case No.9526 of 2013

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Kedar Narayan Chaudhary S/o Late Rameshwar Choudhary Resident of
Village - Paghari, P.O. - Paghari, P.S. - Baheri, District- Darbhanga, Retired
Office Superintendent , Lalit Narayan Mithila University, Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Vikash Bhawan, Patna.
2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar , Darbhanga.
4. Harish Chandra Jha, S/o Late Radha Kant Jha , Resident of Village - Daghat, P.S. - Manighachhi, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dharmendra Kumar Sinha
For the University	:	Dr Anshuman
For Respondent No.4	:	Mr Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 06-09-2017

Heard counsel for the appellant and counsel for the University.

The impugned order dated 11.09.2014 is erroneous on the face. Merely because the appellant had one month and twenty three days left for his superannuation, that cannot be a ground for denying benefit of promotion to a person, who was otherwise found eligible and fit.



The letter of the Pro Vice Chancellor dated 30.08.2011 indicates that the reason for omission of grant of promotion to the appellant was a clerical mistake and omission. If that be so, the time has come when the clerical mistake and omission is required to be rectified and the benefit must accrue to the appellant now.

Let a decision be taken afresh with regard to the above claim of promotion of the appellant and necessary notification be issued within a period of four weeks from today since the order has been passed in presence of the Registrar and the Finance Officer of the University.

Appeal is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

(Rajeew Ranjan Prasad, J)

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AFR/NAFR	NAFR
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