

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11100 of 2014

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1. Amit Kumar Son of Prof. Suresh Kumar Sinha New Patliputra Colony, Road No. 3H, House No. 328, Patna- 800013.
 2. Ashish Ranjan Sinha Son of Prof. Krishna Kumar Sinha CC-82, P.C. Colony, Kankarbagh, Patna- 800020.
 3. Rajendra Prasad Singh Son of Sri Ramji Singh Mohalla- Shivpuri, (Beur Road), P.S- Anisabad, Patna.
 4. Bijay Kumar Das Son of Sri Kewal Sharan Das 301, Narayan Plaza, B.M. Das Road, P.S- Pirbahore, Patna- 800004.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, NITs, Department of Higher Education, Ministry of Human Resources Department, Government of India, New Delhi.
2. The Deputy Secretary NITs, Department of Higher Education, Ministry of Human Resources Department, Government of India, New Delhi.
3. The Director, National Institute of Technology, Patna- cum-Chairman, Selection Committee, NIT, Ashok Raj Path, Patna.
4. The Registrar, National Institute of Technology, Ashok Raj Path, Patna.
5. The Chairman, Board of Governors of National Institutes of Technology, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate
Mr. Sanjay Kumar, Advocate
Mr. Vinay Mistry, Advocate

For the Respondent/s : Mr. Y.V. Giri, Advocate
Mr. S.K. Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 05-12-2017

At the very outset when the matter is called, counsel for the petitioners submits that others whose claim for AGP of Rs. 9000/- per month has been denied by the same order as impugned by the petitioners, their cases were considered by this Court vide order dated 07.08.2015 passed in C.WJ.C. No. 4873 of 2014.



By the said order dated 07.08.2015 the Court has remanded the matter to the authority concerned to reconsider the case of the petitioners as to whether they possess the requisite critical years of experience for advancement to the AGP of Rs. 9000/- in light of letter dated 18.08.2009, 12.03.2009 of MHRD as well as resolution of NIT, Patna dated 05.07.2013 within three months from the date of receipt/production of a copy of this order. Counsel for the petitioners submits that his case may also be reconsidered.

The learned senior counsel appearing for the NIT has objected to the same contending that these are matters which have been considered by the experts regarding entitlement. This Court finds that the same was the contention in the earlier writ petition which has been taken note of in paragraph nos. 26 and 27 of the said judgment whereby the matter has been remanded for reconsideration.

On query made, this Court is informed that the N.I.T., has not challenged the said order in appeal before the Division Bench till date.

In view of the aforesaid, the petitioners case may be reconsidered in the light of the observations made in the said order dated 07.08.2015 passed in C.W.J.C. No. 4873 of 2014 (**Dr. Anshuman Singh & Anr vs. The Union of India & Ors.**) reported in **2016 1 PLJR 219**. Such exercise may be undertaken within a



period of three months from the date of receipt/production of a copy of this order so as to maintain parity between the petitioners and the others arising out of the same impugned order in regard to reconsideration for grant of AGP of Rs. 9000/-.

With the aforesaid directions, the writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	9/12/2017
Transmission Date	

