

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13405 of 2016

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Dr. Raj Kishore Sharma, Son of Sri Arjun Prasad Sharma resident of Village
Sohjana, P.S. Jhajha, District- Jamui.

.... Petitioner/s

Versus

1. Bihar Agriculture University through its Registrar having its Office at Sabaour, Bhagalpur.
2. The Vice Chancellor, Bihar Agriculture University at Sabaour Bhagalpur.
3. The Registrar, Bihar Agriculture University at Sabaour Bhagalpur.
4. The Director, Administration Bihar Agriculture University at Sabaour Bhagalpur.
5. The Principal, Bihar Veterinary College Patna.
6. The Dean, Faculty of Veterinary Sciences Bihar Veterinary College Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the BAU : Mr. Anil Kumar Upadhyay and
Mr. Chandra Mohan Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-04-2017

Heard learned counsel for the petitioner and the Bihar
Agriculture University, Sabour, Bhagalpur.

2. The petitioner has moved the Court seeking
modification of office order contained in O.O. No.
143/Registrar/B.A.U., Sabour dated 29.02.2016 issued under the
signature of the respondent no. 3, by which the petitioner has been
granted No Objection Certificate for pursuing Ph.D. in terms of



Clause 10 of the guidelines of Faculty Development Programme of 2013-14.

3. Learned counsel for the petitioner submitted that though No Objection Certificate has been granted to the petitioner in terms of the order dated 16.02.2016 passed in C.W.J.C. No. 941 of 2015, but the same being under Clause 10 of the aforesaid guidelines, is erroneous, inasmuch as, the No Objection Certificate had to be given under Clause 3 which grants full pay during the period the person is pursuing his Ph.D. whereas under Clause 10, the same is without pay. Learned counsel submitted that during the pendency of the writ petition even the said order dated 29.02.2016 was withdrawn. Learned counsel submitted that the same was brought on record in I.A. No. 9018 of 2016.

4. Learned counsel submitted that the petitioner has been moving this Court time and again with the simple prayer that as he has been able to secure admission in Ph.D. course in various institutions, the respondent University should grant him leave as he is entitled to i.e., under the Faculty Development Programme with full pay.

5. Learned counsel for the University interjected and submitted that in terms of the averments made in their additional affidavit, the University is ready to consider the case of the petitioner



to pursue Ph.D. course in his parent Institution i.e., Bihar Veterinary College, as an in service candidate. He submitted that even the petitioner in his reply to the rejoinder has stated that he wants a direction upon the authorities to allow him 3 years study leave to pursue Ph.D. in the Department of Parasitology in the Bihar Veterinary College, Patna. Learned counsel submitted that the petitioner, for the purposes of pursuing Ph.D. programme as an in-service candidate, is entitled to full salary.

6. Learned counsel for the petitioner agrees to the offer made by the University.

7. In view thereof, the writ petition stands disposed off with a direction to the respondent Bihar Agriculture University, Sabour, Bhagalpur to issue necessary orders granting permission to the petitioner to pursue the Ph.D. course in the Department of Parasitology, Bihar Veterinary College, Patna as an in-service candidate, for the ensuing session. Let necessary order be issued within two weeks from the date of production of a copy of this order before the respondents no. 2 and 3.

8. It goes without saying that the petitioner shall be entitled to all such privileges as is available to as in-service candidate for pursuing the Ph.D. course, including payment of full salary.

9. Learned counsel for the University submitted that



the petitioner, may also be permitted to complete the formalities relating to award of Ph.D. in a period even less than what has been allowed by the University to an in-service candidate, as a special case.

(Ahsanuddin Amanullah, J.)

P. Kumar

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