

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10065 of 2017

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Surendra Prasad Sinha, Son of Late Saho Singh, Resident of Maya Niwas,
Near Amarnath Mandir, Boothnath Road, P.S. Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Bihar.
2. The Magadh University through its Vice Chancellor, Bogh Gaya.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. The Principal Shri Arvind Mahila College, Patna.
6. The Principal R.R.S. College, Mokama, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar
Mr. Uma Kant Shukla, Advocate
For the University : Mr. Arasind Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the University.

Petitioner is aggrieved by the order contained in
Annexure-3 dated 7.7.2012.

Vide Annexure-3, the petitioner was transferred from
Arvind Mahila College to R.R.S. College, Mokama, Patna.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner was promoted as “Shorter” vide office
order contained memo no. 239 of dated 27.1.2007. He submits that
vide order dated 7.7.2012 the University has in fact, nullified the



order of promotion (Annexure-2) as the petitioner has been adjusted on the post of “Shorter” in R.R.S. College, Mokama, with effect from 1.3.2012 and as such the order of promotion (annexure-2) was nullified by the University-respondent vide order contained in (Annexure-3) which was passed without any notice or opportunity of hearing or without the consent of the petitioner.

He submits that such order has adversely affected in the nature of loss of seniority as well as monetary loss as the petitioner was getting payment of Rs. 2000/- less than salary he was entitled to. He submits that he has already represented before the Registrar of the University vide Annexure-7 dated 22.5.2017 but the University is sitting tight over the matter.

Counsel appearing on behalf of the University submits that the petitioner has acted upon Annexure-3 and now when he finds monetary loss on account of joining in the college in question pursuant to the order contained in Annexure-3 he is challenging the order contained in Annexure-3 and as such the writ petition does not merit any consideration.

After going through the record, the court finds that vide order contained in Annexure-2, the University took conscious decision, promoting the petitioner to the post of “Shorter” in the



Arvind Mahila College and from perusal of Annexure-6, it appears that on the date of granting promotion one post of “Shorter” was vacant in the Arvind Mahila College. The order contained in Annexure-3 does not speak as to what was the reason to modify the date of promotion as “Shorter”, in sum and substance the office order dated 7.7.2012 has the effect of adjustment of the petitioner on the post of “Shorter” with effect from 1.3.2012, in another words, it amounts to modifying the order contained in Annexure-2.

Counsel for the petitioner is justified in his submission that order contained in Annexure-3, cannot obliterate the promotion granted to the petitioner by the University vide order contained in Annexure-2. Since the matter is pending at the level of the Registrar, Magadh University it is desirable that the Registrar Magadh University may look into the grievance of the petitioner and pass appropriate order and dispose of the representation contained in Annexure-7 at the earliest, preferably within a period of 60 days from the date of the receipt of the copy of this order.

The Registrar, Magadh University is required to reconcile the order contained in Annexure-2 and 3 while deciding the representation of the petitioner contained in Annexure-7. In the



event, the representation is disposed of in favour of the petitioner, the respondent University is required to pass necessary order for providing monetary benefit if the petitioner would be entitled to in terms of the positive decision in his favour by the University on his representation, Annexure-7.

In the event, the University does not find merit in the representation of the petitioner the respondent would pass a reasoned speaking order for rejecting the claim of the petitioner contained in Annexure-7.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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