

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7792 of 2011

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Shishir Kumar Verma son of Shiv Nath Verma, resident of 2, Lake View,
K.M. Tank, Laherisarai, P.S.- Laherisarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources
Development Department, New Secretariat, Patna.
2. The L.N. Mithila University, through its Registrar, Darbhanga.
3. The Vice-Chancellor, L.N. Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Chandra Jha, advocate
For the Respondent/s	:	Mr. Ram Balak Mahto Ag
For the University	:	Mr. Ajay Bihari Sinha, advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 25-07-2018

1. Heard, learned counsel for the petitioner and learned
counsel appearing on behalf of the State.
2. The grievance of the petitioner in the present writ
application is non-consideration of the case of the petitioner for
grant of promotion on the ground that the petitioner was initially
appointed as lecturer in J.K. College, Biroul, Darbhanga later on
he was transferred to M.K. College, Laheraisarai in the year 1989
thereafter he was transferred to P.G. Department Zoology of L.N.
Mithila University, Darbhanga on 21.02.1993 and as such on
account of transfer from one college to another college the



University is not treating the continuity of service of the petitioner, notwithstanding the fact that the petitioner is working in the same University and he was transferred from one college to another college of the same University.

3. Learned counsel for the petitioner submits that the petitioner was granted promotion under the time bound promotion statute although on account of the eligibility for promotion under merit Promotion Scheme, petitioner on continuous service is eligible for promotion but University is not treating the service rendered by the petitioner in the same university as continuous service for grant of promotion of the petitioner. Learned counsel for the petitioner has placed reliance on the judgment of the Apex Court in Banaras Hindu University vs. Dr. Indra Pratap Singh 1992 AIR 780. Under the similar fact situation the Apex Court has held out that the break of three months twenty days deserve to be ignored and the period of such artificial break of three months twenty days should be treated to a continuous service for the purpose of consideration for grant of merit promotion. The present case even better on better footing than the case of Dr. Indra Pratap Singh where the transfer from one University to another University was not treated as break whereas the instant case the



petitioner was transferred from one college to another college in the same University.

4. In view of the judgment of the Apex Court in the case of Dr. Indra Pratap Singh (supra) the petitioner who was transferred from one college to another college in the same University deserve that the respondents may ignore the artificial break on account of transfer from one college to another college and respondents are required to consider case for grant of promotion under the merit promotion scheme itself if petitioner is otherwise eligible and satisfy the requirement of eligibility under the merit promotion scheme.

5. Final decision in this regard may be taken by the respondent University for grant of merit promotion in the light of the judgment of the Apex Court in Dr. Indra Pratap Singh within maximum period of four months from the date of receipt/production of a copy of this order. In the event the case of the petitioner merits consideration for merit promotion as Reader the university is required to also considered the case of petitioner for further promotion from the post of Reader to Professor under the merit scheme or under the carrier advancement scheme preferably within six months from the date of decision of the



University on the claim of the petitioner promotion for as Reader under the Merit Promotion.

6. With the aforesaid the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

banti/-T.Kr.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2018
Transmission Date	

