

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24134 of 2013

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VEENA PATHAK W/O LATE ANAND BHUSHAN PATHAK AT PRESENT
RESIDENT OF CHETNAPURI, POLICE STATION- MAHARAJGANJ,
DISTRICT- SIWAN.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna.
2. The Principal Secretary, Education Department, Government Of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government Of Bihar, Patna.
4. The Director, Higher Education, Bihar, Patna
5. Jai Prakash University, Chapra, Through It'S Registrar. Null Null
6. The Vice Chancellor, Jai Prakash University, Chapra, District-Siwan.
7. The Registrar, Jai Prakash University, Chapra, District- Saran.
8. The Finance Officer, Jai Prakash University, Chapra, District- Saran.
9. The Principal, Ram Bilas Ganga Ram College, Maharajganj, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate.
For the Respondent/s	:	Nutan Kumari Sharma, AC to GA-1
For the University	:	Mr. Nagendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-09-2018 1. Heard learned counsel appearing on behalf of the petitioner and counsel appearing on behalf of the State as well as University.

2. Widow of Dr. Anand Bhushan Pathak, is the petitioner in this case. From pleadings, it appears that the husband of the petitioner was appointed in Nand Lal Singh College, Jaitpur Daudpur, (Saran) on 11.8.1970 and thereafter he was transferred as lecturer in Ram Bilas Ganga Ram College, Maharajganj, Siwan. On completion of 25 years of service husband of the petitioner was entitled to grant of promotion as



Professor under the Time Bound Promotion Scheme in the year 1995 i.e. 11.8.1995. The case of the husband of the petitioner for grant of promotion under Time Bound Scheme was available upto 23.9.1995 and his case was forwarded by the Principal of the college for grant of promotion under time bound promotion scheme but due to inaction of the respondent no final decision was taken in the matter of grant of promotion as Professor under Time Bound Promotion scheme, in the meanwhile the husband of the petitioner died on 09.01.2003.

3. Learned counsel appearing on behalf of the petitioner submits that in the counter affidavit filed by the State the stand was taken that there is service Statute of the University which is applicable to the employees of the University and all powers with regard to grant of promotion is vested with the University and as such the University is proper authority to assist the Case.

4. Unfortunately, no assistance was rendered by the University by filing in counter affidavit in the instant case. Although, the writ petition was filed on 03.12.2013. Under aforesaid facts the writ petition is disposed of with direction to the respondent University, to examine the record and, if the husband of the petitioner has completed the 'Kalawadhi' in terms



of the Time Bound Promotion Scheme which was prevalent upto 22.9.1995 the respondent University may take appropriate decision in terms of Time Bound Promotion Scheme for grant of promotion of husband of the petitioner from Reader to Professor and shall pass appropriate order with regard to the entitlement of the husband of the petitioner. In the event, if it is found that the case of the husband of the petitioner is covered under the Time Bound Promotion Scheme necessary order for grant of consequential benefits may be passed by the respondent University within a period of four months from the date of receipt/ production of a copy of this order.

5. With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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