

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24780 of 2013

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1. Ram Raksha Chaudhary Son Of Late Yugal Kishore Choudhary Resident Of Village Singhiya, Makundpur, P.S. Gopalganj, District - Bhagalpur
 2. Ashok Kumar Yadav Son Of Late Sudu Pd. Yadav Resident Of Village Nayatola Naugachia, P.O. + P.S. Naugachia , District - Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Tilka Manjhi Bhagalpur University, Bhagalpur Through Its Registrar, District - Bhagalpur
4. The Vice Chancellor Of Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Registrar Of Tilka Manjhi Bhagalpur University, Bhagalpur, District - Bhagalpur
6. The Principal Of G.B. College, Naugachai Within The Tilka Manjhi, Bhagalpur University, District - Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate,
	:	Mr. Deepak Kumar, Advocate,
For the Respondent/s	:	Mr. Rajesh Kumar Sinha, AC to G.P.-23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 17-09-2018 1. Heard learned counsel for the petitioners and
counsel appearing on behalf of the State as well as University.

2. Petitioner is aggrieved by the order contained in Annexure-9. The Registrar of the University communicated the order of the University which was passed on the direction of this Court in CWJC No. 19652 of 2011. The Registrar communicated vide Annexure-9 communicated that the two petitioners, namely Ram Raksha Cohoudhary and Ashok Kumar



Yadav were appointed as Class IV employee and both of them were promoted on the Class III post by the Principal of the college and under the scheme of the Act and statute, the Principal has no jurisdiction to grant such promotion.

3. Counsel for the petitioner submits that in terms of the agreement between the Federation of the non-teaching employee and State Government the respondents were required to consider the case of the petitioner for grant of promotion from Class IV to Class III posts. Referring to the Annexure-10 learned counsel for the petitioners submits that similarly circumstanced, other employees were granted promotion by the University vide office order dated 26.4.2015 whereas the case of the petitioner has not been considered as yet for grant of promotion.

4. Learned counsel for the petitioner admits that although the principal of the college has no jurisdiction to grant promotion but considering the seniority of the petitioner, University is required to consider the case of the petitioners and grant promotion. Unfortunately, others have been granted promotion in the year 2013 vide Annexure-9, but the respondents are sitting tight over the matter and they have failed to consider the case of the petitioners for grant of promotion.



5. In view of the above, the writ petition is disposed of with a direction to the University to consider the case of the petitioners for grant of promotion, if the petitioners on account of seniority are eligible for grant of promotion in terms of agreement between federation of the non-teaching employee and the State Government for grant of promotion of non-teaching employee. Necessary decision in this regard may be taken by the University within a maximum period of four months from the date of receipt/ production of a copy of this order.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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