

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22481 of 2014

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Yogendra Prasad Yadav, Son of Chhathu Prasad Mahto, Resident of Village-Navtolia (Bindwara), P.S.-Munger, District-Munger

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary (High Education), Education Department, Government of Bihar, Patna.
3. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
4. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Pro-Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
7. The Principal, J.R.S. College, Jamalpur, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. AAG13- Ashok Kumar Chaudhary
For the University : Mr. Shivendra Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 04-10-2018

Heard learned counsel for the petitioner and respondents.

2. The petitioner is aggrieved by the decision of the University whereby the petitioner was reverted with retrospective effect.

3. On behalf of the respondents, stand has been taken in the counter affidavit that mistake was committed in the matter of grant of promotion to the petitioner and as such the order dated 28.08.2012 has been recalled vide order dated 01.09.2014.

4. Two folds submissions have been advanced by the



petitioner: Firstly; that the order was passed without opportunity to the petitioner. Secondly; the order cannot operate with retrospective effect. The order dated 01.09.2014 cannot operate from 28.08.2012. The aforesaid two submissions are well founded.

5. Considering the above, the order dated 01.09.2014 (Annexure-1) cannot sustain and is accordingly quashed. However, quashing of Annexure-1 will not disentitle the respondents in taking fresh decision in accordance with law after compliance of principles of natural justice.

6. It is made clear that payment up to 01.09.2014 shall govern by the order of promotion, which was granted to the petitioner on 28.08.2012. However, the subsequent entitlement of the petitioner will abide by the fresh decision taken by the respondents after opportunity of hearing to the petitioner.

7. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.10.2018
Transmission Date	

