

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5770 of 2016**

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1. RAMESH JHA, Son of Late Badri Narayan Jha, Resident of Village and Post Office- Chhatauni, Police Station- Bashopatti, District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, through its Registrar.
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Vice- Chancellor, Kameshwar Singh Darbhanga Sanskrit University Kameshwar Nagar, Darbhanga.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kaushalesh Choudhary

For the Respondent/s : Mr. Nadiah Seraj

Ms. Shalini, Advocate

For the University : Mr. Awadhesh Pd. Sinha

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4      03-04-2018      Heard learned counsel for the petitioner, counsel appearing on behalf of the State.

Petitioner is aggrieved by the order contained in Annexure-16 whereby the petitioner was reverted to Class III to Class IV post vide order dated 08.02.2016. The petitioner was granted promotion in the year 2009 thereafter without any opportunity of hearing the order contained Annexure-16 passed.

Learned counsel for the petitioner has advanced two fold submissions – firstly, that he was reverted from Class III to Class IV post. The order of reversion is major punishment and order of major punishment cannot be passed without compliance of



opportunity of natural justice and fairplay where in adequate opportunity of being heard is required to be provided to the petitioner. The second limb of argument of the petitioner is that in view of decision of this Court reported in 2017 (3) PLJR 329 the Vice Chancellor has no jurisdiction to review the decision taken earlier. Submission of the petitioner is well founded, no order visiting civil consequences can be passed without compliance the principle of natural justice. Similarly, it is also settled proposition of law that the University Act does not provide for review and in the absence of power to review, the University was not justified in reviewing the order granting approval to the promotion of the petitioner from Class IV to Class III post.

In view of the above order contained in Annexure-16 cannot sustain and it is accordingly quashed. The respondents are hereby directed to reinstate the petitioner to the Class III post with all consequential benefits on quashing Annexure-16 within a maximum period of 60 days from the date of receipt pf production of a copy of this order.

Accordingly, this writ application is allowed and disposed of.

**(Anil Kumar Upadhyay, J)**

Sanjeev/-

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