

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1124 of 2015

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Dr. Pradip Kumar Lal son of Late R.N.Lal resident of Mohalla- Piparpanti, Ps-Nathnagar, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Higher Education, Human Resources Department Government of Bihar, Patna.
3. Tilak Manjhi University, Bhagalpur through its Vice Chancellor.
4. The Vice Chancellor, Tilak Manjhi University, Bhagalpur.
5. The Registrar, Tilak Manjhi University, Bhagalpur,
6. Dr Mritunjay Jha son of not known working as Head of the PG Mathematics Department, Tilak Manjhi University, Bhagalpur,

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-07-2018

Heard learned counsel for the petitioner; State and T.M.

Bhagalpur University (hereinafter referred to as the 'University').

2. The petitioner has moved the Court for the following reliefs:

“That by this application, the petitioner is invoking the extra ordinary jurisdiction of this Hon’ble Court to issue a writ in the nature of Mandamus commanding the respondents particularly respondent no. 3 to 5 to cancel the promotion given to the respondent no. 6 to the post of University Professor granted to him by the University in violation of Statute of the University Law.



Further prayer of the petitioner is to cancel the promotion order, if any, procedure by the respondent no. 6 to the post of University Professor granted to him by the University in violation of Statute of the University Law.”

3. The petitioner has challenged the promotion of respondent no. 6 due to the fact that he has become senior to him after such promotion.

4. Having heard the matter, the Court finds that the issue is very stale. The order of promotion of respondent no. 6 was issued in December, 1995. The petitioner having assailed the same after 20 years, in the considered opinion of the Court, is not fit to be entertained on the ground of gross delay and laches.

5. As copy of the notification of the year 1995 has been brought on record, followed by the actual benefit having accrued to the respondent no. 6, ignorance of the same by the petitioner for 20 years, cannot be a ground before a Court of Law. The respondent no. 6 having discharged the duties and having functioned on the promoted post from 1995, challenge after 20 years to the same is not required to be entertained and accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

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