

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16814 of 2013

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1. Dr. Sadanand Singh Son Of Late Hardayal Prasad Singh Resident Of Mohalla- Mill Tola, P.O.- Naugachhia, P.S.- Naugachhia, District- Bhagalpur
 2. Dr. Sushil Kumar Mandal Son Of Late Pranav Kumar Mandal Resident Of Mohalla- Professor Colony Naugachhia, P.O.- Naugachhia, P.S.- Naugachhia, District- Bhagalpur
 3. Dr. Kaladhar Mandal Son Of Late Sunder Mandal Resident Of Mohalla- Professor Colony Naugachhia, P.O.- Naugachhia, P.S.- Naugachhia, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resource Development Department, Government Of Bihar, Vikas Bhawan, Jawahar Lal Nehru Marg, Patna
3. The T.M. Bhagalpur University, Bhagalpur Through Its Registrar
4. Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur Null Null
5. Registrar, T.M. Bhagalpur University, Bhagalpur
6. Finance Officer, T.M. Bhagalpur University, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Kumar, Advocate
For the State	:	Mr. Yogendra Pd. Sinha, AAG 7
		Mr. Rajeev Kumar Sinha, AC to AAG 7
For the University	:	Mrs. Rekha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-08-2018

(1) Heard learned counsel appearing on behalf of the petitioners, learned counsel for the respondent-State as well as the University.

(2) Grievance of the petitioners in the instant case is non-grant of consequential benefits of promotion granted to the petitioners vide Annexure-2, Notification No. 11 of 2013.



(3) Learned counsel for the petitioners submits that the petitioners have acquired right to consideration for promotion in terms and conditions of the existing promotion rule on completion of 10 years and the petitioners were rightly granted promotion vide Annexure-2, but the monetary benefit of such promotion has not been extended to the petitioners till date.

(4) Learned counsel for the petitioners submits that the University has served a copy of the counter affidavit although such affidavit is not on record, but from the copy of the counter affidavit available to the petitioners it appears that the respondent University has admitted the factual position. Be that as it may, the time bound promotion was admissible up to 23.09.1995 and as such a person any teacher who acquired the right to consideration before 23.09.1995 is entitled to such promotion with consequential benefit. Since the respondents have issued notification vide Annexure-2 granting such promotion to the petitioners, they are under obligation to pay the consequential benefits if not already granted.

(5) Accordingly, the writ petition is allowed, respondents are ordained to grant consequential benefits to the petitioners expeditiously preferably within three months from the date of receipt or production of a copy of this order. Failure on the part of



the respondents in extending the consequential benefits to the petitioners will entitle them to get 9% interest on the payment from the date of their entitlement. The officer concerned of the University will be liable for such interest component for delaying in deciding the matter and accountability on erring officer shall be fixed by the Vice Chancellor of the University.

(6) I.A No. 7013 of 2015 filed by the intervenor-petitioner for the same relief cannot be entertained in this application. The same is dismissed with liberty to the intervenor to file separate writ petition for the relief as no substantial relief can be granted in favour of the intervenor in view of the Patna High Court Rules.

(7) With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.08.2018
Transmission Date	N.A.

