

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19141 of 2012

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Umesh Prasad S/O Late Shri Kishori Singh R/O Village- Nimsar, P.O.-
Nimsar, P.S.- Alipur (TIKARI), District- Gaya, Presently Working As Peon,
Daudnagar College, Daudnagar, District- Aurangabad

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Secretary Human Resource Development
Department, Government Of Bihar, Patna
2. The Magadh University, Through The Registrar Magadh University, Bodh
Gaya, District- Gaya
3. The Vice Chancellor, Magadh University, Bodh Gaya, District- Gaya
4. The Registrar, Magadh University, Bodh Gaya, District- Gaya
5. The Daudnagar College Through The Principal Daudnagar College,
Daudnagar, District- Aurangabad
6. The Principal, Daudnagar College, Daudnagar, District- Aurangabad
7. Madheshwar Yadav, Store-Keeper Daudnagar College, Daudnagar, District-
Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar
For the State	:	Mr. Mr. S D Yadav, AAG IX
		Mr. Prem Ranjan Kumar, AC to AAG IX
For the University	:	Mr. Arbind Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 11-10-2018

Heard learned counsel for the petitioner and learned
counsel appearing for the State.

The grievance of the petitioner in the present writ
application is non-consideration of his case for promotion from
Class IV to Class III. Learned counsel for the petitioner submits
that the persons junior to the petitioner have been considered and
granted such promotion including respondent no. 7, who was



appointed on 31.03.1977, whereas the petitioner was appointed earlier to Madheshwar Yadav, respondent no.7, on 07.08.1976.

Learned counsel for the petitioner submits that the petitioner has requisite qualification and on account of seniority he is entitled to be considered for grant of promotion from Class IV to Class III. He has already represented before the University vide Annexure-9 with favourable recommendation of the Principal of the College.

Learned counsel appearing on behalf of the University submits that the writ petition may be disposed of with observation that the University may examine the claim of the petitioner and if it is found that the petitioner is eligible for grant of promotion on account of his qualification and seniority, then the University may consider his case and pass appropriate order.

Considering the aforesaid fact, the writ application is disposed of with liberty to the petitioner to file a fresh representation addressed to the Registrar of the University along with the relevant documents to demonstrate that the petitioner is eligible for grant of promotion to Class III post on account of his eligibility and seniority. In the event representation is filed by the petitioner, the University is required to dispose of the same by a reasoned and speaking order at the earliest, preferably within a



period of four months from the date of filing of such representation along with a copy of this order. The Court expects that while taking final decision for grant of promotion the respondents are required to decide the entitlement of the petitioner for consequential benefits within the time frame as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

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

