

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22703 of 2012

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Dr. Arun Kumar Sinha S/o Late Yogendra Prasad Resident Of Village - 138,
Tilak Nagar, Qulia Ghat Road Sarai, P.S. - Tatarpur, Dist - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Human Resources Development Department, Government Of Bihar Patna
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. Tilka Manjhi Bhagalpur University, Bhagalpur, Through Its Registrar, District - Bhagalpur
4. Vice Chancellor of Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Registrar of Tilka Manjhi, Bhagalpur University, Bhagalpur, District - Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarda Nand Mishra, Advocate Mr. Ajay Mukherjee, Advocate Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 11-09-2018 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner has superannuated on the post of Assistant Librarian on 30.6.2010.

This writ petition was filed in 2012 for a direction to the respondents to consider the case of the petitioner for grant of promotion as Dy. Librarian.

Learned counsel for the petitioner submits that petitioner being the senior most in the cadre of librarian was entitled to promotion as Dy. Librarian as petitioner was holding



requisite qualification and there was clear vacant post.

Counsel for the petitioner has drawn attention of this Court to Annexure-9 series to contend that the petitioner has approached the authorities of the University but his representation was not addressed by the respondent University.

Learned counsel further submitted that petitioner has continuously worked on the post of In-charge Librarian from 12.12.2008 to the date of his superannuation. If the petitioner has superannuated, no positive direction can be issued in favour of the petitioner. However, the respondents are directed to consider the representation filed by the petitioner contained in Annexure-9 and decide the same in accordance with law, if not already decided within a period of four months from the date of receipt/production of a copy of this order.

While taking final decision, the University is required to consider the case of the petitioner for grant of officiating allowance, if promotion is not admissible as petitioner has worked for nearly two years on the post of In-charge Librarian.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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