

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11782 of 2016

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1. Dr. Murari Prasad, Son of Late Krishna Chandra Prasad Shrivastava, Associate professor of English, D.S. College. residing at Prabhat Nagar, P.O., P.S. & District - Katihar, 854105(Bihar).
 2. The State of Bihar, through the Principal Secretary Deptt. of Human Resources, Patna.
 3. The Vice Chancellor, B.N. Mandal University, Madhepura.
 4. The Registrar, B.N. Mandal University, Madhepura.
 5. The Officer - in - charge, Pay Verification Cell, Department of Higher Education, Government of Bihar, Patna.
 6. The Officer-in-charge, Promotion Cell, B.N. Mandal University, Madhepura.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan
For the Respondent/s : Mr. Ashish Kumar Lal, A.C. to G.A.5.
For the University : Mr. Mithilesh Kr. Ravi, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 03-05-2018

Heard the learned counsel for the petitioner and counsel appearing on behalf of the State.

This writ application was filed on 25.07.2016 with two advance copies to the counsel appearing on behalf of the University. Unfortunately, neither the grievance of the petitioner was redressed by the University nor any counter affidavit was filed. In the past also, the Court noticing the grievance of the petitioner directed the respondent to consider the case of the petitioner within a period of six months failing which the Vice-Chancellor would be personally responsible. Even the order dated 17.11.2014 have not evoked any response, the petitioner was constrained to approach this Court by way of filing the present



application. In this case, they have not filed counter affidavit.

Considering the attitude of the respondents, the writ application is disposed of with the direction to the Vice-Chancellor of the University to objectively consider the case of the petitioner and pass reasoned and speaking order as to the claim of the petitioner. If it is found that petitioner answers the eligibility for grant of promotion and respondent have considered the case of the similarly circumstance like other. The Court will view the in action of the University seriously. The writ petition is disposed of with a direction to the Vice-Chancellor of the University to take final decision with regard to the claim of the petitioner within maximum period of 60 days. In the event there is delay in considering and granting the consequential relief, the respondent authorities of the University would be personally liable to pay interest on the delay in consideration and grant of the promotion and consequential benefit, the entire claim of the petitioner will carry interest @ 9 per cent per annum from the date of filing of such representation till actual payment on adjudication and the interest shall be paid by the Officer concerned from their own pocket.

With the aforesaid, this writ petition stand disposed of.

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

(Anil Kumar Upadhyay, J)

