

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.630 of 2012

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PHOOL JHA SON OF LATE JAGDISH JHA RESIDENT OF MOHALLA -
BUNGLOW NO. 11, G.M. ROAD, LALBAG, P.O. + P.S. - LAL BAG,
DISTRICT + TOWN- DARBHANGA

... .. Petitioner/s

Versus

1. THE CHANCELLOR, L.N.M.U. RAJ BHAWAN, PATNA
2. THE L.N.M.U., KAMESHWAR NAGAR, DARBHANGA THROUGH ITS VICE-CHANCELLOR
3. THE REGISTRAR, L.N.M.U., KAMESHWAR NAGAR, DARBHANGA
4. SHRI SOHAN CHAUDHARY SON OF LATE NILAMBER CHAUDHARY ASSISTANT ENGINEER, L.N.M.U. KAMESHWAR NAGAR, DARBHANGA, RESIDENT OF NEW MISHRA TOLA (BHATIARI SASAI DARBHANGA) P.O.+ P.S - LALBAG, DISTRICT + TOWN - DARBHANGA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha
For the Respondent/s : Mr. Ajay Behari Sinha
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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 05-07-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

After some arguments, counsel for the petitioner realized difficulty in pressing the writ application, so far as the claim of the petitioner against respondent No. 4 is concerned accordingly, he has decided not press his claim against respondent No.4

Now the petitioner has confined his prayer to the extent that the respondent may be directed to consider his case for promotion in accordance with availability of the vacancies in the post of Assistant Engineer from the date the juniors to the



petitioner have been granted such benefit.

The learned counsel for the University submit that in the University different category of post of Assistant Engineer such as Civil and Electrical are available and there is no common post of Assistant Engineer for promotion from common pool of Junior Engineer, however this portion has been seriously disputed by the counsel for the petitioner.

Under the aforesaid circumstance the writ application is disposed of with a direction to the University to examine the record and if the University is maintaining that there is no bifurcation of electrical and civil in the matter of promotion of Assistant Engineer from Junior Engineer, the University will consider the case of the petitioner for grant of promotion from the date, juniors to the petitioner have been granted such promotion. In the event the University holds that there is separate post of the Assistant Engineer Civil and for promotion only the junior engineer in Civil Branch is eligible, the University may take appropriate decision.

Considering the fact the petitioner has now superannuated and this matter is pending for several years, the University is directed to take final decision on the following claim of the petitioner at the earliest preferably within four



months.

(A) That he is senior most Junior Engineer in the University.

(B) That there is no distinction between Junior Engineer (Civil and Electrical) in the matter of grant of promotion.

(C) That the post of Assistant Engineer is available for promotion of Junior Engineer not only Civil but for Electrical Junior Engineer as well.

The University is required to decide the aforesaid issue within a time framed indicated and if it is found that the petitioner on account of seniority and availability of the post is eligible for promotion as Assistant Engineer his case may be considered by the respondent University with all consequential benefits.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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