

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16586 of 2011

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Dr. Ashok Kumar Singh, Presently Senior Scientist-Cum-Associate Professor
(PLANT Breeding), Agriculture Research Institute, Lohianagar, Patna-20020
S/O Late Ram Charitar Singh Resident Of Bakerganj Bajla, P.O. Patna.

... .. Petitioner/S

Versus

1. Rajendra Agriculture University Through Its Registrar, Pusa, Samastipur, Bihar.
2. Vice Chancellor, Rajendra Agriculture University, Pusa, Samastipur, Bihar.
3. Registrar, Rajendra Agriculture University, Pusa, Samastipur, Bihar.
4. Bihar Agriculture University Through Its Registrar, Sabour, Bhagalpur.
5. Vice-Chancellor, Bihar Agriculture University, Sabour, Bhagalpur.
6. Registrar, Bihar Agriculture University, Sabour, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate
For Rajendra University	:	Dr. Krishna Nandan Singh, Sr. Advocate
For R.A. University	:	Mr. Arvind Ujjawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 26-06-2018

Heard Mr. Ajit Kumar, learned counsel for the petitioner, Mr. K.N.Singh, learned senior counsel appearing for the Bihar Agriculture University and Mr. Arvind Ujjawal, assisted by A.C., learned counsel for the Rajendra Agriculture University.

2. The petitioner is aggrieved by the award of marks by the experts.

3. Learned counsel for the petitioner submits that in the area where there is no scope for distinguishing the achievement,



experts are required to award marks on the basis of participation in the seminar and refresher course. Two experts have granted marks for his participation in the seminar and refresher course but the other experts have awarded less marks, notwithstanding no scope for awarding less than the marks prescribed for participation in the seminar and refresher course and on that basis, he submits that the petitioner has been prejudiced in the case of consideration for grant of promotion under the career advancement scheme. This was done in 2010. We are in 2018.

4. In the matter of opinion of the expert the scope of interference is minimal. However, in a case where it is established that award of marks is arbitrary, the court in appropriate cases steps in and interfere with the opinion of the experts.

5. In the totality of the fact situation when the court finds that the petitioner has applied for consideration of his case for promotion under the career advancement scheme subsequent to the decision impugned in the present writ petition, it would be appropriate if the University decides the case of the petitioner objectively for grant of promotion at the earliest so that he may get the relief during his service career.

6. Mr. Ajit Kumar, learned counsel for the petitioner submits that the petitioner is due to retire within a short span of



time and as such he submits that University may be directed to consider his case objectively in accordance with the parameters fixed for evaluation at the earliest.

7. Mr. K.N.Singh, learned senior counsel appearing for Bihar Agriculture University submits that his client will consider the case of the petitioner objectively if he has applied for consideration of his case for promotion under career advancement scheme and grant promotion from the due date.

8. In view of the above, the writ petition is disposed of with a direction to the University to consider the case of the petitioner for grant of promotion under career advancement scheme on fresh application to B.A.U filed after 2010 at the earliest preferably within a period of six months from today. The University is also directed to see that if promotion is granted, the consequential benefit from the date the petitioner is found entitled to by the University, must reach the petitioner within a further period of one month from the date of such decision of the University.

9. During the course of argument it is agreed at the bar that the petitioner will provide necessary information and document to the University in order to expedite the decision making process.



10. With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2018
Transmission Date	

