

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.482 of 2012

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1. Dr.Kanhaiya Jee Jha S/O Sri Maha Nand Jha Resident Of Professor Colony, Dighi West, P.S. - Town Thana, District - Darbhanga , Presently Posted As Reader In The Department Of English At Marwari College, Darbhanga
 2. Dr. Anil Kumar Jha S/O Dr. Parmeshwari Jha Resident Of Shivajee Nagar, P.S. - Town Thana, District - Darbhanga, Presently Posted As Reader In The Department Of Zoology At C.M. Science College, Darbhanga
 3. Dr. Parmanand Jha S/O Late Haribansh Jha Resident At D-2, Shreekrishna Apartments, Masraf Bazar, P.S. - Town Thana, District Darbhanga, Presently Posted As Associate Professor & Head Of The Department Of English, C.M. College, Darbhanga
 4. Dr. Sharda Nand Choudhary S/O Late Ram Narayan Choudhary Resident At Shivsagar, New Balbhadrapur, Laheriasarai, P.S. Laheriasarai, District Darbhanga Presently Posted As Reader In The Department Of Geography At M.K. College, Laheriasarai, Darbhanga
- Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Chancellor Of Universities Of Bihar, Raj Bhawan, Patna
4. The Vice-Chancellor , Lalit Narayan Mithila University, Darbhanga
5. The Registrar, Lalit Narayan Mithila University, Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Sr. Advocate Mr. Shashi Bhushan Singh, Advocate
For the University	:	Mr. Ajay Behari Sinha, Advocate Mr. Upendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 13-07-2018

Heard Mr. Yugal Kishore, learned senior counsel
appearing on behalf of the petitioners and Mr. Ajay Behari Sinha,
learned counsel appearing on behalf of the University.

2. In view of the judgment of this Court in the case of
Dr. Sunil Kumar Yadav Vs. The State of Bihar & Ors: 2018 (3)
PLJR 354, the Court is not inclined to interfere in the matter as
this Court has answered the issue raised in the present case in the



said judgment and as such there is no point to take a different view.

3. So far as the argument on the basis of the judgment reported in **State of Tripura and others vs. K.K.Roy reported in 2004(9) SCC 65** is concerned, the said argument is also not sustainable in view of the fact that the right to consideration for promotion is not snatched away, they have avenue of promotion available as there is provisions under the Career Advancement Scheme and the Merit Promotion Scheme for the purpose of consideration of eligible candidate for promotion. The Court does not find merit in the contention of the petitioners that the petitioners have no avenue of promotion.

4. In view of the fact that avenues promotions are available under the Merit Promotion Scheme as well as Career Advancement Scheme and in addition thereto, there is provision for direct recruitment on the post of Professor, the Court does not find any merit in the writ petition. It is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.07.2018
Transmission Date	

