

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5321 of 2018

Dr. Deodas Tembhare, Son of Late Indal Tembhare, Resident of Vastu Bihar
Unit- 27, Tetri (Lalganj) Tetari, Police Station- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. Veer Kunwar Singh University, through the Registrar, Veer Kunwar Singh University, Ara.
2. The Vice- Chancellor, Veer Kunwar Singh University, Ara.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Finance Officer, Veer Kunwar Singh University, Ara.
5. The Principal, S.P. Jain College, Sasaram, Police Station- Sasaram, District- Rohtas.
6. The Selection Committee, Veer Kunwar Singh University, Ara, through its President.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh
For the University : Mr. Kinkar Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-12-2018 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent University.

It is submitted by Counsel for the petitioner that juniors to the petitioner have been promoted as Professor ignoring his claim and that direction should be issued to the authorities for promoting him as Professor.

On specific query made by the Court, Counsel for the petitioner is not in a position to point out that the petitioner has ever approached the authorities for the reliefs he is claiming in the instant proceedings. It is trite law that for the writ court to exercise jurisdiction under Article 226 of the Constitution of



India there must be a demand by the petitioner before the authorities and refusal by the authorities to act as per law. Since there is no refusal of the authorities to act in accordance with law there is no occasion for this Court to presume that on approaching the authorities petitioner would be denied consideration of his claim in accordance with law. Situation does not exist for exercise of jurisdiction under Article 226 of the Constitution of India.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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