

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8024 of 2019

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Dr. Bikas Chandra Kumar, Male, aged about 58 years, S/o Late Sadhu Sharan Yadav, resident of Vill.- Lakhawar, P.S.- Ghosi, Distt.- Jehanabad, presently posted as Deputy Director (Computer), Science and Technology Department, Govt. of Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. The Principal Secretary, Science and Technology Department, Govt. of Bihar, Technology Bhawan, Bailey Road, Patna.
3. The Finance Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Special Secretary, Science and Technology Department, Govt. of Bihar, Technology Bhawan, Bailey Road, Patna.
5. The Joint Secretary, Science and Technology Department, Govt. of Bihar, Technology Bhawan, Bailey Road, Patna.
6. The Deputy Secretary, Science and Technology Department, Govt. of Bihar, Technology Bhawan, Bailey Road, Patna.
7. The Accountant General (A & E) Bihar, Mahalekhakar Bhawan, Birchand Patel, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Rai, Adv.
For the State	:	Mr. Kameshwar Prasad Gupta, GP-10
For the AG	:	Mr. Ram Kinker Choubey, SC

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 15-05-2019

The petitioner had earlier approached this Court



vide C.W.J.C. No. 14813 of 2010 seeking a direction to the respondent authorities to consider his case for promotion on a post which is equivalent to Professor in Government Engineering Colleges, as per the All India Council for Technical Education (*in short AICTE*) notification.

2. The petitioner was initially appointed by the State Government as a Lecturer in the Government Polytechnic College, Dumka on 28.02.1989; but, later, through proper channel, he was appointed on the post of Director (Computer) in the Department of Science and Technology in a pay-scale which was equivalent to that of Associate Professor of the Government Engineering Colleges. Subsequently, he was also nominated by the AICTE as Assistant Professor. For some reason or the other, the promotion was not granted to the petitioner, which led him to file the aforementioned writ petition.

3. A Bench of this Court *vide* order dated 13.12.2012 directed the petitioner to file a representation before the concerned authority, who would consider his case for grant of promotion in accordance with law within a



particular period of time.

4. Pursuant to the aforesaid order, the petitioner made a representation before the Principal Secretary, Department of Science & Technology, Govt. of Bihar, Patna, who, *vide* his order dated 13.03.2013 contained in Memo No. 666, though rejected the prayer of the petitioner to be treated at par with the Professors of the Government Engineering Colleges, but admitted that the petitioner could be given promotion or the benefits under the ACP/MACP schemes as is admissible to employees of the State Government.

5. Though the petitioner initially had challenged the aforesaid order on the ground that the Principal Secretary, Department of Science & Technology, Govt. of Bihar, Patna had wrongly held the post held by the petitioner to be different from the post of Professor in the Government Engineering Colleges, but later abandoned the aforesaid prayer and accepted the part of the observation in the impugned order which made the benefits of ACP/MACP admissible to him as is given to the other Government



servants.

6. From the perusal of the records of this case, it becomes very clear that the petitioner, when was appointed as Deputy Director (Computer) in the Department of Science & Technology, his service condition became akin to employees of the Government of Bihar, in which case the conditions of promotion, framed by the AICTE and accepted by the Government, does not apply.

7. Under the aforesaid circumstances and acceding to the limited/modified prayer of the petitioner, this Court directs the petitioner to again make a representation before the Principal Secretary, Science & Technology Department, Govt. of Bihar, Patna within a period of four weeks from today, making a request to accord him the benefits of financial progression to which any Government servant, similarly situated, would be entitled to. On receipt of such representation, the Principal Secretary, Science & Technology Department, Govt. of Bihar, Patna shall pass necessary order in accordance with law, within a further period of twelve weeks, after checking up the records and



the facts of the case by a reasoned order.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.05.2019
Transmission Date	N/A

