

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3610 of 2008

RAMADHAR SINGH, son of Sri Ram Karan Singh, resident of Namder Gopal, Post Office-Satgawan, P.S. Satgawan, District-Aurangabad, Head of Department, Geography, Sachchidanand Sinha College, Aurangabad

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Commissioner-cum-Secretary, Higher Education Department, Government of Bihar, New Secretariat (Bihar Bhawan), Patna
3. The Director, High Education Department, Government of Bihar, New Secretariat (Bikas Bhawan), Patna
4. The Magadh University, Bodh Gaya, District-Gaya through its Registrar
5. The Vice -Chancellor, Magadh University, District- Gaya
6. The Registrar , Magadh University, Body Gaya, District-Gaya
7. The Finance Officer, Magadh University, Bodh Gaya
8. The Principal, Sachchidanand Sinha College, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh Mr. Anjani Kumar
For the Respondent/s	:	Mr. Ajay Behari Sinha, G.a.-8 Mr. Neeraj Raj, A.C. to G.A.-8
For the University	:	Dr. Kumar Amitesh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

21 25-02-2019 The petitioner by way of the present writ petition has prayed for shifting the date of promotion on the post of Reader with effect from 05th January, 1987 instead of 30.08.1990 as also for directing the authorities to grant promotion and make payment of difference of salary.

The learned counsel for the University, referring to the counter affidavit filed in the present case, has submitted that the petitioner was appointed as a Lecturer on temporary basis on



05.01.1977 and completed the period of 24 months services on 01.12.1980, hence as per the direction of this Hon'ble Court in a writ petition bearing CWJC No. 5859 of 1996, the date of absorption of the petitioner would be 01.01.1981 which also gets substituted from the provisions laid down in the statute approved by the Chancellor vide its Notification No. 5240GS dated 18.11.1981, hence it is submitted that the effective date of absorption of the petitioner being 01.01.1981, the subsequent promotion would be granted accordingly. According to the statute providing for the promotion scheme dated 24.12.1986, the petitioner would be promoted as Reader after completing 10 years of continuous service on the post of Lecturer and would be promoted to the higher rank of Professor after completing six years as Reader. Hence, the period of 16 years would be completed only on 01.01.1997. It is submitted that the aforesaid notification dated 24.12.1986 has been superseded by a notification dated 23.09.1995 passed by the learned Chancellor, hence the petitioner cannot be granted promotion, he has sought for.

Having regard to the facts and circumstances of the case, though I find that there is no cause of any interference at the moment, however, I deem it fit and proper to grant liberty to



the petitioner to approach the Vice-Chancellor, Magadh University, by filing a representation with regard to redressal of his grievance and in case such a representation is filed, the Vice-Chancellor shall take a decision and pass a reasoned order within a period of 12 weeks of filing of a representation by the petitioner.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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