

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16061 of 2011**

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DR.NUPUR BOSE W/O Mr. Anit Mitra Reader in the Department Of  
Geography, A.N. College, Patna

... .. Petitioner/s

Versus

1. MAGADH UNIVERSITY, Bodh Gaya through Vice Chancellor
2. The Vice-Chancellor, Magadh University, Bodh Gaya
3. The Registrar, Magadh University, Bodh Gaya
4. The State Of Bihar Through The Principal Secretary HRD Deptt., Govt. Of Bihar, Patna
5. The Chancellor, University Of Bihar, Raj Bhavan, Patna
6. Chandradeo Narayan Pd. Singh, Dean of Geography, Magadh University, Bodh Gaya
7. Lalan Singh, Head of P.G. Department of Geography, Magadh University, Bodh Gaya
8. Ram Naresh Pd. Sharma, Expert Member, Magadh University, Bodh Gaya
9. Patliputra University, Patna through its Registrar
10. Patliputra University, Patna through its Vice-Chancellor

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Raghav Prasad No.-1  
For the Respondent/s : Mr.Devendra Kr Sinha Aag2

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

26    26-06-2019                      The learned counsel for the parties are in agreement  
  
that the present case can be disposed of in light of the judgment  
  
dated 10.4.2018 passed in CWJC No. 15882 of 2016, relevant  
  
paragraphs whereof are reproduced hereinbelow:-

*“5. While the petitioner has filed the present writ application, certain aggrieved persons have approached the Hon’ble Chancellor and the Hon’ble Chancellor after considering the entire facts and circumstances held out as follows:*

*“In view of the fact, that the*



*articles/publications, examined by the subject expert and recommended to the petitioners for promotion, would not be ignored unless and until any material defect or infirmity found in the report of experts. Under such circumstances the decision of the selection committee without giving any reason through a speaking order as to why they rejected the recommendation of experts, is not just and fair and would not be approved.*

*Considering the facts and circumstances discussed above, there is patent error in the report of Seven Members Selection Committee and, therefore appeals are hereby allowed. The University is directed to consider the cases of the Appellants for promotion afresh within the period of two months from the date of this order."*

6. *Mr. Dhruva Mukherjee submits that in view of the decision passed by the Hon'ble Chancellor the writ application may be disposed of with similar directions to the University to consider the case of the petitioner for grant of promotion to the post of Professor. Mr. P. N. Shahi, learned counsel appearing on behalf of respondent nos. 6 to 10 submits that he has no objection inconsideration of the case of the petitioner afresh in accordance with the direction issued by the Hon'ble Chancellor as promotion under Career Advancement Scheme, which may not adversely affect any person.*

7. *In view of the above, the Court deem it fit and prepare to direct the University to consider afresh the case of the petitioner for grant of promotion under Career Advancement Scheme in the light of the observations made by the Hon'ble Chancellor in the case of Usha Prasad and others vs. Magadh University and others, decided on 08.06.2017.*

8. *It is needless to state here that while*



*deciding the case of the petitioner afresh, the University will not look into the previous record for deciding the case of the petitioner for promotion. It is also clarified that while considering the case of the petitioner the University will not re-open the case of the person already granted promotion under the Career Advancement Scheme including respondent nos. 6 to 10.*

*9. In case, on reconsideration in terms of the direction of the Hon'ble Chancellor in the cases mentioned hereinabove, the University is also required to workout the consequential benefits, which accrued to the petitioner. The entire exercise in this regard must be completed by the respondent University within a maximum period of three months from the date of receipt/production of a copy of this order."*

Having regard to the agreement arrived at in between the parties, the present writ petition is disposed of in similar terms as the aforesaid writ petition bearing CWJC No. 15882 of 2016 has been disposed of by the aforesaid judgment dated 10.4.2018 and the Respondent-Magadh University is directed to consider the case of the petitioner afresh for grant of promotion under the Career Advancement Scheme in light of the observations made by the Hon'ble Chancellor in the case of ***Usha Prasad and Others vs. Magadh University & Others***, as has been reproduced hereinabove in the preceding paragraphs and pass a final order within a period of three months from the date of receipt / production of a copy of this order.



The writ petition stands disposed of on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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