

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22712 of 2012

=====

Ram Charitra Ravidas S/O Sri Badri Das R/O Village- Shahpur, P.O.-
Uttarnawan, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
2. The Vice-Chancellor T.M. Bhagalpur University, Bhagalpur
3. The Registrar, T.M. Bhagalpur University, Bhagalpur
4. The Principal, K.K.M. College, Jamui, District- Jamui
5. The State of Bihar, Through The Principal Secretary Department of Education, Government of Bihar, New Secretariat, Patna
6. The Director, Higher Education Department Of Education, Governemnt Of Bihar, New Secretariat, Patna
7. The Munger University, Munger through its Registrar.
8. The Vice-Chancellor, Munger University, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar Jha, Adv.
For TMBU, Bhagalpur	:	Mr. Shuivendra Kishore, Sr. Adv.
		Mr. Ashhar Mustafa, Adv.
For the Respondent- State:		Mr.Anisul Haque, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 23-09-2019

The present writ petition has been filed for directing the respondent-University to grant promotion to the petitioner on the sanctioned and vacant post of Librarian in K.K.M. College, Janui w.e.f. the date the petitioner has been discharging his duties on the post of Librarian in the College in question i.e. w.e.f. 01.11.2009 as also to grant all consequential benefits.

2. The case of the petitioner is that initially the petitioner was appointed on the post of Assistant Librarian in



K.K.M. College, Jamui vide notification dated 25.01.2003, however, the same was rectified vide notification dated 05.06.2003 and thereafter, the petitioner had continued to work on the post of Assistant Librarian in the aforesaid College in question, however, vide notification dated 17.05.2008, the petitioner was declared to be working as Assistant.

3. The case of the petitioner is that the petitioner was freshly appointed vide notification dated 05.06.2003 as Assistant Librarian and in fact the Principal of the said College vide notification dated 31.10.2009 had given the entire charge of the work of Librarian to the petitioner herein for being managed by him inasmuch as, the then Librarian Shri Basudeo Prasad Singh had stood retired and since then, the petitioner has been managing the Library as a Librarian in the said College in question, hence it is prayed that the petitioner should be granted promotion on the post of Librarian w.e.f. 31.10.2009.

4. Per contrar, the learned Senior counsel appearing for the University has submitted that after the petitioner was appointed on the post of Assistant Librarian vide notification dated 05.06.2003, his case was sent to the State Government for approval and after the State Government refused to grant approval, the University issued notification no. 69 of 2005 dated



18.04.2009 whereby and whereunder the aforesaid order dated 05.06.2003 bearing notification No. 171/ 2003 had stood withdrawn, however, no challenge was ever made to the said notification dated 18.4.2009 by the petitioner herein. It is the further case of the University that the petitioner was freshly appointed vide notification dated 05.06.2003 on the post of Assistant, hence the petitioner cannot claim to have been appointed on the post of Assistant Librarian, muchless claim promotion to the post of Librarian, since he has never worked on the said post. In any view of the matter, the learned senior counsel for the University has submitted that the petitioner could not have been authorized to work as Incharge of the entire library by the aforesaid notification dated 31.10.2009, since the same did not have the approval/ authorisation of the University.

5. Having regard to the disputed question of facts, and the requirement of ascertaining the fact from the Principal of the College in question, I deem it fit and proper to grant liberty to the petitioner to file appropriate representation before the Registrar of the T.M.B. Bhagalpur University for grant of promotion on the post of Librarian in K.K.M. College, whereupon the Registrar of the K.K.M. University shall examine the fact and call for a report from the Principal of the



K.K.M. College, Jamui and then, after giving an opportunity of hearing to the petitioner herein, take a final decision within a period of eighteen weeks from the date of filing of appropriate representation by the petitioner.

6. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-10-2019
Transmission Date	N/A

