

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22952 of 2012

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Kumar Amitabh Son of Late Chandradeep Sinha Resident of Chitragupt Path,
Chandmari Road, P.S. - Kankarbagh, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Higher Education, Govt. of Bihar, Vikas Bhawan, Patna
3. The Director, Higher Education, Bihar, Vikas Bhawan, Patna
4. Magadh University, Bodh Gaya through its Registrar
5. The Vice Chancellor, Magadh University, Bodh Gaya
6. The Registrar, Magadh University, Bodh Gaya
7. The Principal, T.P.S. College, Patna
8. Upendra Choudhary S/o Late Ram Bihari Chaudhary Resident of Village- Pindaranch, P.S. - Kewati, District- Darbhanga
9. Patliputra University, through its Registrar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Awdhesh Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 19-07-2019 The present writ petition has been filed by the petitioner herein, who is working as Routine Clerk at T.P.S. College, Patna for grant of promotion to the higher post in view of the fact that the persons junior to him have already been promoted.

The learned counsel for the respondent-University has submitted that there is no provision for grant of promotion to a compassionate appointee.



Having heard the learned counsel for the parties, I find that the the respondents have failed to produce any provision of law showing any bar to grant of promotion to a compassionate appointee.

It is a trite law that once a person has been appointed, the rules and regulations pertaining to recruitment/promotion/punishment etc. would be applicable across the board to all the employees including an employee who has been appointed on compassionate ground.

Having regard to the facts and circumstances of this case and in absence of any provision creating a bar for grant of promotion to a compassionate appointee, I find that the aforesaid ground taken by the respondent-University for denying promotion to the petitioner i.e. the petitioner herein being a compassionate appointee, is *de hors* the law thus the respondents-Universities are precluded from taking such a ground.

In such view of the matter, this Court deems it fit and proper to relegate the matter of the petitioner to the Vice-Chancellor, Patliputra University, to consider the case of the petitioner for grant of promotion to the next higher post, in consultation with the authorities of the Magadh University, for



which purpose the petitioner would file a detailed representation before the Vice-Chancellor, Patliputra University, within a period of four weeks from today and the final decision with regard to grant of promotion shall be taken by the Vice-Chancellor, Patliputra University within a period of 12 weeks thereafter.

The writ petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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