

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16558 of 2019

Dr. Md. Habibur Rahman S/o Md. Faizur Rahman R/o Village-Balha, P.O.-
Kamtaul, P.S.-Bisfi, District-Madhubani at present working as Lecturer,
Department of Arabic (1st Post), Allama Iqbal College, Bihar Sharif
(Nalanda).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary Department of Education, Govt. of Bihar, Patna
3. The Director (Higher Education) Department of Education, Govt. of Bihar, Patna
4. The Magadh University Bodh Gaya through its Vice Chancellor
5. The Vice-Chancellor Magadh University, Bodh Gaya
6. The Registrar Magadh University, Bodh Gaya
7. The Patliputra University through its Registrar, Near Rajendra Nagar Terminal, Rajendra Nagar, Patna
8. The Vice-Chancellor Patliputra University, Near Rajendra Nagar Terminal, Rajendra Nagar, Patna
9. The Registrar Patliputra University, Near Rajendra Nagar Terminal, Rajendra Nagar, Patna
10. The Professor-in-Charge Allama Iqbal College, Bihar Sharif (Nalanda)
11. The Governing Body of the Council of Allama Iqbal College and Allied Institution through its Secretary, Bihar Sharif (Nalanda)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the State : Mr. Sunil Kumar, AC to GA-12
For the Magadh University : Mr. A. Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-08-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner is aggrieved by inaction on the part of
respondent Magadh University in the matter of grant of
promotion from Lecturer to Reader under Time Bound
Promotion Scheme.

Learned counsel appearing on behalf of petitioner



with reference to Annexure-6 submits that this Court has the occasion to decide the issue of sanction teaching and non teaching strength of the college. He submits that the petitioner false within the sanction strength and as such the inaction on the part of respondents tantamount to violation of the direction issued by this Court in C.W.J.C. No. 8374 of 2009 dated 11.09.2018. Once, the State Government approved the teaching strength of the college, the University is under obligation to take appropriate decision with regard to grant of promotion within the sanction strength in terms of the University Promotion Statute for the purpose of promotion of the teaching staff in minority affiliated college within the sanctioned strength.

Considering the decision in C.W.J.C. No. 8374 of 2009, the writ application is disposed of with a direction to the respondent University to take appropriate decision on the claim of the petitioner for promotion as Reader at the earliest preferably within a period of three months from the date of receipt/production of copy of this order. The decision of the Magadh University in the matter of promotion will bind the successor Patliputa University.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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