

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21614 of 2018

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1. Dr. Zahid Mozaffar S/o Late Tahir Hassan, Department of Philosophy, Allama Iqbal College, Bihar Sharif, Nalanda Resident of Quadri Manzil, Arif Nagar, Gawal Bigha, Gaya
 2. Dr. Mosharraf Hayat Khan S/o Sharif Khan Res. Addl.-Vill.-Samastipur, P.O. Samastipur, Belaganj, Gaya
 3. Dr. Lakshmi Kant Singh S/o Late Paras Singh Resi. Addresss-Bhaisaur, Near devi Asthan, Mithikuan, Bihar Sharif, Nalanda
 4. Dr. Saroj Kumari D/o Sri Kamta Pd. Singh Mogal Kuwan, Bihar Sharif, Nalanda
 5. Dr. Abdul Moid Krimi S/o Late Abdul Khalifue D/o Abdul Wale Karimi (Advocate) Millat Colony, Bari Road, Gaya
 6. Shri Ram Vrat Singh S/o Shri Ram Adalat Singh Vill-Rampur, Rohtas, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar, through Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. Magadh University through Registrar, Bodh Gaya, Distt.-Gaya
3. Patliputra University Patna, through its Registrar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh
For the State	:	Mr. Vinay Kumar Mishra, AC to AAG -15
For the Patliputra Uni.	:	Dr. Anand Kumar, Advocate
For the Magadh Uni.	:	Mr. Ritesh Kumar, Advocate.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 15-11-2019 A rejoinder affidavit has been filed on behalf of the

petitioner to the counter affidavit filed by the respondent no. 2.



It appears from a perusal of the Annexure-6 that the Patliputra University which came into existence on 18.03.2018 has given a letter to all the HOD's, University Departments of Patliputra University, Patna, the Principal/Professor in-charge of all constituent colleges under Patliputra University, Patna stating that the promotion of teachers whose promotion was due before 18.03.2018 i.e. before the creation of the Patliputra University, Patna is to be taken up by the Magadh University. As such, it has conveyed its no objection to the Magadh University for taking up their promotion cases for consideration and also recommending that their promotion should be taken up on priority.

This Court fails to understand as to how teachers of the Patliputra University, Patna can be promoted by a University of which they are no longer members. It appears from the aforementioned letter dated 17.07.2019 that the Registrar, Patliputra University, Patna has not applied its mind in the light of the relevant rules and the statute and has issued a direction in the following terms :-

“Those teachers, who have not submitted their application to Magadh University earlier may be directed to submit their application in the prescribed proforma of Magadh University attaching all the relevant self-attested papers and those applications



may be sent directly to Magadh University by 31.07.2019.”

Accordingly, this Court directs that the Patliputra University, Patna shall take immediate and appropriate steps towards issuing promotion orders in those cases which were already considered and found fit for promotion by the erstwhile Magadh University prior to the creation of the Patliputra University, Patna i.e. 18.03.18. So far as other promotions are concerned, the University itself shall take up their cases on applications being submitted to itself and not to the Magadh University after obtaining records of such teachers and/or other staff.

It is made clear that the Magadh University shall also engage itself in taking appropriate and immediate steps for sending the records of those employees who have now been shifted to Patliputra University so that their cases do not languish for want of records. So far as the petitioners are concerned, it is not denied that the recommendations for their promotions to the post of Reader was already considered and recommended by the Selection Committee on 29.11.2016 (Annexure-3). Thus, it would be appropriate that the Patliputra University should obtain all records relating to such recommendations and issue necessary orders within a period of



three months from today.

With the aforesaid observation/directions, the writ application stands disposed of.

(Anjana Mishra, J)

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