

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3868 of 2020

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RATAN KUMAR JHA Son of late Chand Kishor Jha, Resident of Village-
Uchhagaon, P.s.- Bath, District- Bhagalpur, At present residing Mohalla-
Durga Sthan, Bari Bazar, P.s.- Kotwali, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Tilka Manjhi Bhagalpur University, The Tilka Manjhi Bhagalpur
University, Bhagalpur through the Registrar
3. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Munger University, Munger through the Registrar
6. The Vice Chancellor, Munger University, Munger
7. The Registrar, Munger University, Munger
8. The Principal, R.D. and D.J. College, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ambrish Kumar Jha
For the Respondent/s	:	Mr. Pramod Kumar Singh (Sc16)
For Munger University	:	Mrs. Nivedita Nirvikar
For TMBU	:	Mr. Ashhar Mustafa

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State as well as learned

counsel appearing on behalf of Tilka Manjhi Bhagalpur

University and Munger University.

2. Grievance of the petitioner in the present writ
application is that he is regularly working on Class -III post but
he was not considered for grant of promotion. Although, he has
been working on sanctioned vacant post.



3. Learned counsel appearing on behalf of the Munger University would submit that the petitioner has now retired.

4. Learned counsel appearing on behalf of the Tilka Manjhi Bhagalpur University would submit that petitioner has retired in January, 2020 and Tilka Manjhi Bhagalpur University was bifurcated in 2018. Therefore, after bifurcation, the liability is of the successor Munger University.

5. Counsel appearing on behalf of the Munger University would submit that prior to 2018 the claim of the petitioner is relatable to the Tilka Manjhi Bhagalpur University.

Learned counsel appearing on behalf of the University has submitted that petitioner was never granted promotion.

6. Learned counsel for the University submits that it is not possible for the University to grant promotion at this stage when the petitioner has superannuated.

7. Irrespective of whether the petitioner is entitled to grant of promotion or not and whether statute of the University permits grant of promotion or not, the writ petition is disposed of with a direction to the Tilka Manjhi Bhagalpur University as well as Munger University to work out the entitlement of the petitioner for grant of allowances for discharging higher responsibility and if the petitioner has worked on the higher



post since 1982, they are required to pay allowances for discharging higher responsibility in view of the judgment of the Apex Court in **Areindram Bhattachary vs. State of West Bengal reported in (2013) 4 SCC 152.**

8. Necessary decision for grant of allowances to the petitioner may be taken by the concerned University after verification of the record as to discharge of higher responsibility within a maximum period of sixty days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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