

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6898 of 2018

Radha Krishna Prabhat Son of late Mithila Prasad Resident of of Village-
Sonmai, P.S. Dhanarua, District- Patna, the retired Associate Professor,
Department of Psychology, S.B.A.N. College, Darheta, Lari, District- Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. Magadh University, Bodh Gaya through the Registrar.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University , Bodh Gaya.
7. The Principal , S.B.A.N. College, Darheta, Lari, District- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Adv.
For the Respondent/s	:	Smt.Shilpa Singh -Ga12
for the University	:	Mr. Ajay, Adv.
		Mr. Akshansh Ankit, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 22-08-2022 The petitioner by way of this writ petition has prayed
as under:-

(I) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents authorities to grant promotion to the post of University Professor from the due date i.e. 23.03.1999 on the ground that the petitioner had completed of 25 years of continuous service as teacher on 23.03.1999 which is requisite condition for grant of promotion to the post of University Professor under Time



Bound Promotion Scheme as stipulated in the Statute.

(II) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities to pay the consequential monetary benefit on account of promotion of University Professor with interest.

Learned counsel for the University has filed their counter affidavit and pointed out that the Statute of 1986 allowed benefit of Time Bound Promotion Scheme on completion of 16 years and 25 years of continuous service. The said Statute stood superseded by notification letter dated 23.09.1995 w.e.f 23.09.1995 and thereafter the Time Bound Promotion Scheme was not available to the Lecturers or Assistant Professor. However, a new career advancement scheme has come into operation, under which, the petitioner was required to submit his application. As the petitioner completed 25 years of service on 23.03.1995 and the time bound promotion scheme available under the Statute dated 24.12.1986 stood withdrawn/superseded the benefit of promotion on completion of 25 years of service after 23.09.95 cannot be granted.

I have considered the submissions.

Keeping in view the fact that the Time Bound



Promotion scheme of granting promotion on completion of 16 years/ 25 years of service stood superseded with effect from 23.09.95. The petitioner who completed 25 years after 23.03.1990 cannot claim benefit of promotion under the Statute which was no more in existence as on 23.03.1999.

Admittedly, the petitioner has already been granted the first Promotion on completion of 16 years of service.

The claim of the petitioner would be now considered only under the Career Advancement Scheme.

Leaving it open for the petitioner to apply accordingly, this writ petition is found to be without force and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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