

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13826 of 2014

Dr. Dwijendra Naraian Singh son of Late Surendra Narayan Singh, resident of
Laxmipur, P.S.- Uda-Kishunganj, District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, null Department of Science and Technology,
Government of Bihar, Patna
3. The Director, Department of Science and Technology, Government of Bihar,
Patna
4. The Additional Secretary, Department of Science and Technology,
Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ratan Kumar, Advocate
For the Respondent/s	:	Mr. Amit Prakash, GA-13 Mr. Ravi Bhardwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 29-09-2022

Heard learned counsel for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:-

“(A) MANDAMUS.

(i) For direction to the Respondents authorities to consider the case of the petitioner for grant of 2nd time bound promotion/Merit promotion to the petitioner to the post of professor with effect from 16.07.1991 for which he is entitled under the existing/prevaling time Bound/Merit promotion Scheme. And accordingly for fixation of pay scale and payment of arrear and current salary of the petitioner.

And further petitioner also prays for grant of all consequential monetary benefits from the aforesaid date of promotion.

(ii) For the issuance of any



other writ/writs, order/orders to which the petitioner is found to be entitled.”

3. Short question for consideration in the present petition is whether petitioner is entitled to time bound promotion after completion of 16 years of service or not?

4.The petitioner was initially appointed to the post of Assistant Professor on 16.07.1975. The State Government is stated to have introduced time bound advancement scheme to such of those employees who have completed 10 years of service and 16 years of service. They are entitled to two time bound promotions as and when they completed 10 years of service and 16 years of service. The petitioner was not extended the benefit of time bound advancement with reference to completion of 16 years of service and he was extended first time found advancement after completion 10 years in the year 1994 with reference to date of completion of 10 years as 16.07.1985. However, he has denied benefits of 16 years time bound promotion as and when he completed 16 years of service on 16.07.1991. In this regard, the petitioner is stated to have submitted representation on 01.07.2009, 30.07.2009 and 12.06.2014 respectively.

5. Learned counsel for the petitioner vehemently contended that the petitioner is entitled to benefit of 16 years time bound promotion in terms of Annexure 5 read with the admission in the counter statement that the time bound promotion is invoked till



01.01.1996.

6. *Per Contra*, learned counsel for the respondent resisted the aforesaid contentions and submitted that time bound promotion scheme was in vogue up to 01.03.1989. The same was elaborately discussed by the learned single Judge in the case of Mahesh Kumar Sharma and others passed in C.W.J.C No. 22005 of 2011 decided on 07.05.2012.

7. In the light of the learned single Judge order read with the fact that time bound advancement scheme was not existing in the eye law beyond 01.03.1989. It is also submitted that rightly the petitioner has been extended first time bound advancement as and when he completed 10 years that is 16.07.1985 which is prior 01.03.1989. In the result, he is not entitled to second time bound promotion after completion 16 years on 16.07.1991 for the reasons that as on 16.07.1991 time bound promotion scheme was not existing in eye of law.

8. Heard the learned counsel for the respective parties.

9. Crux of the matter in the present petition is whether petitioner is entitled to benefit of time bound advancement after a completion of 16 years as on 16.07.1991 or not? Undisputed facts are that the petitioner was initially appointed to the post of Assistant Professor on 16.07.1975. He has completed 10 years of service on 16.07.1985 for which he has been extended time bound



promotion in the year 1994 w.e.f 16.07.1985. Further question for consideration is whether petitioner is entitled to time bound promotion after completion of 16 years as on 16.07.1991 or not? Perusal of Mahesh Kumar Sharma’s decision cited (supra) wherein the learned single Judge has elaborately considered in which he has taken note of the fact that the time bound advancement scheme was not existing in the eye of law after 01.03.1989. In the present case petitioner has completed 16 years of service on 16.07.1991 which is much later than the closure of the time bound promotion scheme on 01.03.1989. In the result, the present petition is squarely covered by the case of Mahesh Kumar Sharma cited (supra) against the petitioner to the extent that he is not entitled to time bound promotion after completion 16 years of service on 16.07.1991.

10. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Rakhi/shoaib

AFR/NAFR	
CAV DATE	
Uploading Date	12.10.2022
Transmission Date	

