

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20987 of 2021

1. Dr. Upendra Prasad Singh Son of Chandraketu Prasad Singh Resident of Bagdulhan Hazipur Vaishali 844101, retire from Post of Associate Professor Political Science Jamunilal College Hazipur Vaishali a Constituent College of B.R. Ambedkar, Bihar University Muzaffarpur.
2. Dr. Peeyoosh Chandra sahay Verma Son of C.M.S. Verma, Road no.1 Near Anupam CT Scan, Ward no. 4 Juran Chapra Saraiza Sadullahpur Muzaffarpur 842001 Presently Working on the Post of Associate Professor Botony in L.S. College Muzaffarpur a Constituent College of B.R. Ambedkar, Bihar University Muzaffarpur.
3. Dr. Braj Kishore Prasad Mishra Son of Late Jagdish Prasad Mishra Resident of Daudpur Kothi, Sujji Factory road, new Shiv Mandir, Laxmi Chowk, MIT Muzaffarpur 842003 retire from the Post of Associate Professor Zoology P.G. Bhiar University Muzaffarpur a Constituent Department of B.R. Ambedkar, Bihar University Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar throgh the Principal Secreary, Education Department Bihar Patna.
2. The Chancellor of Universities of Bihar, Raj Bhawan, Patna.
3. The B.R. Ambedkar Bihar University Muzaffarpur through its Registrar.
4. The Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Dayal, Adv.
For the State	:	Mr. Narendra Kumar, AC to GP-20
For the University	:	Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 20-10-2022

1. Heard the parties.

2. The petitioners by way of this writ petition has prayed for issuing a writ in the nature of mandamus or any other appropriate writ for directing the respondents to consider the

petitioners for promotion on the post of University Professor under Merit Promotion Scheme/Career Advancement Scheme.

3. Learned counsel submits that the University issued a notification on 02.12.2019, inviting applications in prescribed proforma for consideration of promotion, whereafter nothing has been done in the matter and during the pendency one of the petitioner has already attained superannuation.

4. Learned counsel has taken this Court to the supplementary affidavit and submits that the revised statutes for promotion are pending before the Hon'ble Governor for formal approval. In the circumstances, he prays that the direction be issued to the respondents to finalize the statutes and grant promotion to the petitioners.

5. Learned counsel appearing for the University has pointed out that after the statutes are finalized, the University shall take a decision accordingly.

6. The present petition is for direction to the respondents to consider the case of promotion of the petitioners. However, this Court finds that as on today the statutes are yet to be finalized and there is no exercise of promotion being conducted by the respondents. Thus, there is no present cause of action to issue any directions to the respondents.

7. The writ petition is wholly frivolous and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 21

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