

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.289 of 2022

Dr. Arun Kumar Singh son of Late Shyam Sunder Sinha, resident of Flat No. 408, Mahakali Tower, near Bailey Road Danapur Khagaul Road, Danapur Cantt, Patna -801503, retire from post of Associate Professor, Department of Physics, S.R.K.G. College, Sitamarhi, a constituent college of B.R. Ambedkar, Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, 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
For the Respondent/s : Mr.Ram Vinay Pd. Singh
For Respondent No.3 to 5 : Mr. Mrityunjay Kumar

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 07-03-2022 Learned counsel for the petitioner submits that the petitioner although retired in the year 2009, he would be entitled for consideration for promotion in terms of the notification dated 02.12.2019 to the post of Professor. Learned counsel also relies on the judgment passed by the coordinate Bench in case of Dr. Randhir Kumar Sinha Vrs. The State of Bihar & Ors. (C.W.J.C. No.615 of 2022) to submit that the direction may be issued to the respondents considering the representation of the petitioner and a similar direction be issued in his case too.

I have considered the submission.

Admittedly, the petitioner was holding the post of



Associate Professor, Physics. He retired in the year 2009.

A look at the notification dated 02.12.2019 would reflect that the notification invites applications in the prescribed proforma from desirous eligible teachers serving in the University Department for consideration for promotion under the merit promotion scheme/career advancement scheme. The petitioner, admittedly, would not fall in the aforesaid category as he was not serving on the date when the notification dated 02.12.2019 was issued.

So far as the case of Dr. Randhir Kumar Sinha (supra) is concerned decided by the coordinate Bench on 18th of February, 2022, the Court was not considering whether the notification dated 02.12.2019 only invited application from serving teachers, in view thereof, a direction for consideration of representation/consideration of candidature of the petitioner under the notification dated 02.12.2019 would not be called for.

Accordingly, this Court finds that the writ petition is wholly misconceived and is dismissed.

(Sanjeev Prakash Sharma, J)

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