

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19068 of 2019

1. Sanjay Kumar son of Late Ranbir Singh resident of Maa Savita Complex, Mirzapur Nohta, Fatuha, P.S. Fatuha, District- Patna, Pin Code-803201.
2. Ashutosh Kumar son of Ramakant Singh resident of Mandal Tola, Morsanda, Morsanda Falka Katihar, P.S. Falkha, District- Katihar, Pin Code-854108.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. Director, Higher Education, Bihar, Patna.
3. Chancellor of Universities of Bihar, Raj Bhawan, Patna.
4. Patna University, Patna through its Registrar.
5. Vice Chancellor, Patna University, Patna.
6. Registrar, Patna University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate Mr. Raushan, Advocate Mr. Ujjawal Bhushan, Advocate
For the Respondent/s	:	Mrs. Shilpa Singh, GA-12 Mr. Rajendra Kumar Giri, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-07-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- (i) Issuance of a declaration holding that the amendment as communicated by a letter dated 04/12/2018 bearing letter no. BSU-08/2005-3053 GS(1) issued from the Governor's Secretariat, Bihar, Patna, by which, Clause-4.5.0 has been inserted in the Statutes for Career Advancement Scheme as notified by Governor's Secretariat's letter no. BSU-08/2005-1715/GS(1) dated 29/06/2005, providing that a Reader working in the services of the University would be entitled for re-designation as Associate Professor after three years of service and move to upper band, however, contrary to the provisions contained under the relevant Regulations of the University Grants Commission as well as the letter dated 29/07/2010 bearing memo no. 2374 issued by the State Government in its Human Resource Development Department, persons working against the posts of Lecturer (Selection Grade) in the services of the Universities within the State of Bihar have been denied the said benefit is violative of article 14 of the Constitution of India and is thus, ultra vires to be Constitution of India;
- (ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Governor's Secretariat, Bihar, Patna as well as the Education Department of the State Government to take steps towards considering the cases of the present petitioners who are working in the capacity of Lecturers (Selection Grade) in the Department of Chemistry in the services of Patna University, Patna (herein after referred to as "the University") towards extending the benefits of re-designation as Associate Professor as well as extending them benefits of higher pay band in accordance with the provisions contained under the UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for Maintenance of

Standard in Higher Education, 2010 (hereinafter referred to as the UGC Regulations, 2010) as well as Clause-7(xi) of the resolution dated 29/07/2010 bearing memo no. 2374 issued by the concerned authorities under the then Human Resource Development Department of the State Government, according to which, Readers and Lecturers (Selection Grade) are entitled for being extended the benefits of fixation of their salary in the pay band of Rs. 37,400-67,000/- with admissible grade pay upon completion of three years as Reader or Lecturer (Selection Grade) and are also to be re-designated as Associate Professors in their respective subjects upon completion of said period of three years;

- (iii) Issuance of a direction, order or writ, (including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards extending the benefit of re-designation as Associate Professor and also fixation of salary in the pay band of Rs. 37,400-67,000/- alongwith admissible academic grade pay in favour of the present petitioners w.e.f. from the dates on which they completed three years as Lecturers (Selection Grade) in the services of the University;
- (iv) Any other reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.

After the matter was heard for some time, learned counsel for the petitioners, under instruction, states that petitioners shall be content if a direction is issued to the respondent no. 3 Chancellor of Universities of Bihar, Raj

Bhawan, Patna, through its Principal Secretary to consider and decide the representation which the petitioners shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	