

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5903 of 2017

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Dr. Indradeo Prasad son of Late Girja Prasad Resident of Village Nirpur,
P.S. - Bariyarpur, District - Munger.

... .. Petitioner/s

Versus

1. Bihar Agricultural University, Sabour and Ors
2. The Vice Chancellor, Bihar Agricultural University, Sabour, Bhagalpur.
3. The Director Administration, Bihar Agricultural University, Sabour, Bhagalpur.
4. The Associate-cum-Dean-cum-Principal, Mardan Bharti College of Agricultural, Bharompur, Saharsa A Constituent Unit of Bihar Agricultural University, Sabour, Bhagalpur.
5. Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur, through its Registrar.
6. The Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur.
7. The Director, Administration, Bihar Agricultural University, Sabour, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Mangalam, Adv.
For the University : Mr. Sriram Krishna, Adv.
For the Respondent/s : Mr.Chandra Mohan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 31-01-2022 Heard Mr. S.B.K. Mangalam, the learned Advocate for the petitioners, Sriram Krishna, the learned counsel for Bihar Agricultural University, Sabour (respondents nos. 1 to 4) and Mr. Chandra Mohan Singh for respondent nos. 5 and 6.



The petitioner seeks a direction to the respondents to grant him the benefit of promotion to the post of Chief Scientist -cum- University Professor from 27.07.1999 under the career advancement scheme (C.A.S.) as per the recommendation of the Screening Committee/Departmental Promotion Committee constituted for the said purpose.

The petitioner had participated in an interview for such promotion in the year 2006 and against which process, no result was announced. The petitioner was not even provided with any information regarding conclusion of such process.

The scheme under which such advancement is given was again invoked by the University after several years and another result was published in the year 2016, in which the petitioner does not appear to have been recommended.

The learned counsel for the petitioner has pointed out that the University is under an obligation to hold such examination twice a year. That the University has not held



such examination timely is one aspect of the matter but even with respect to the examinations which have been held, the result of such examinations do not appear to be aboveboard and without doubt.

The petitioner in the first instance, therefore, sought a direction to the respondents to furnish necessary inputs regarding the marks obtained by him and the name of such persons, who were recommended for promotion in the stream of the petitioner as also the marks obtained by them.

The petitioner was only informed that he had obtained 63 marks. He had no idea about the cut-off marks also.

On such plea, this Court directed the counsel for the respondents to furnish necessary details regarding the examination process; the candidates who had been recommended for further promotion and the marks obtained by the petitioner as well as the other persons, who had been recommended for promotion. The cut-off marks was also directed to be brought on record.



Pursuant to the aforesaid direction, a counter and supplementary counter affidavits have been filed, which indicates that the petitioner was appointed in the year 1995 in the erstwhile Rajendra Agriculture University, Pusa, which is now Rajendra Prasad Central Agriculture University. Interview for promotion to the post of University Professor -cum-Chief Scientist under the career advancement scheme was held on 25th of February 2009 in which the petitioner scored 63.96 marks out of 100. Since the cut-off marks for recommendation was fixed at 66%, the petitioner was not promoted.

Thereafter, it has been urged on behalf of the respondents, there was a separation of Rajendra Agriculture University and the Bihar Agriculture University, Sabour and presently the services of the petitioner is under the jurisdiction of Bihar Agriculture University, Sabour since 05.08.2010.

The process for promotion was initiated in the Bihar Agriculture University, Sabour in the year 2014. The petitioner appeared in interview before the Selection



Committee which was constituted for the said purpose.

This time, the petitioner scored only 63.55 marks out of 100 and since this time also the cut -off percentage was fixed at 66, the petitioner was not recommended.

The recommendation of the selection committee with respect to two other candidates in the stream of the petitioner was placed before the Board of Management of the University on 15.07.2016, which has approved the recommendation of the Selection Committee and has promoted all those persons who were recommended for such promotion. The Board of Management also did not make any amends so far as the case of the petitioner was concerned. In all, 18 persons were recommended by the Selection Committee, which was approved by the Board of Management.

The respondents have also brought on record, the marks obtained by other two professors.

Considering the afore-noted response of the respondent / University, there is no reason to doubt that the process of promotion was not held in right earnest and



since the petitioner could not obtain more marks than the cut-off marks, he was not recommended.

Thus, there does not appear to be any merit in this petition and the same is dismissed.

(Ashutosh Kumar, J)

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