

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10481 of 2005

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Siya Ram Rai, S/o Late Shiva Kumar Rai, Resident of Topra Tolla, P.S.-
Pirpanti, District-Bhagalpur. At present-University Professor, University
Deptt. of English, T.M.B. University, Bhagalpur.

... .. Petitioner/s

Versus

1. T.M.B. University Bhagalpur, through Vice Chancellor.
2. The Vice Chancellor, T.M.B. University, Bhagalpur.
3. The Registrar, T.M.B. College, Bhagalpur
4. Bihar State University Service (Constituent College) Commission through
its Chairman, Patna.
5. Dr. R.K. Sinha, Department of English, B.M. College, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.
For the Respondent/s : Mr. Ranjan Kumar Sinha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 15-02-2023

1. Heard the parties.
2. The petitioner by way of this writ petition has
prayed as under:-

*"1.That by way of this writ application the
petitioner prays for the following reliefs:-*

*(i) To quash the Notification No. 4/96 dated
11.01.1996 issued by the respondent University wrongly
shifting the date of promotion of respondent No. 5 as reader
from 20.02.91 to 10.03.1987 (Annexure-14) on the
recommendation of respondent Commission reckoning the
period of ad hoc appointment before absorption.*

(ii) To quash the Notification No. 174/2002



(Annexure-23) dated 23.07.2002 by respondent University shifting the date of promotion of respondent No. 5 as professor from 02.02.97 to 10.03.93 reckoning the date of ad hoc appointment date as initial appointment.

(iii) To command and direct the University to reckon the dated of absorption of respondent No. 5 in regular service i.e. in terms of Annexure-16 issued by Chancellor absorbing his services.

(iv) To command and direct the respondent Commission to restore the date of promotions of respondent No. 5 as notified in Notification No. 71/95 dated 2.9.95 (Annexure-17) issued by respondent University and not to try to override the direction of Hon'ble Chancellor given in annexure-16 while absorbing the services of respondent No. 5 which is final in absence of any appeal or revision.

(v) To command and direct the University to send all the papers regarding appointment and absorption of respondent No. 5 as lecturer to Commission for taking proper decision regarding date of appointment as regular teacher.

(vi) To command and direct the respondent Commission to work in accordance with law and without giving any undue favour to any one and assign reason while deciding the effective date of promotion of respondent No. 5 as reader and Professor under time bound scheme.

(vii) To command and direct the respondent



B.S.U.S. (Constitute Colleges) Commission to decide the date of promotion of respondent No.5 in the rank of reader and Professor in accordance with the direction given and principle laid down by this Hon'ble Court in C.W.J.C. No. 9487 of 2002 disposed of on 27.02.2003.

(viii) To command and direct respondents to decide the seniority of the petitioner vis-a-vis respondent No.5 Complying the statutory provisions and principles settled by Hon'ble Court giving full effect to direction given in C.W.J.C. No. 9487/02 and also considering the validity of initial appointment as lecturer.

(ix) To command and direct the respondent University to take steps for removal of respondent No. 5 if his initial appointment is in violation of Article 14 and 16 and de hors the procedure prescribed under statute.

(x) To pass any other order granting any other relief to which the petitioner is legally entitled for."

3. The respondent no. 5 was granted promotion w.e.f. 10.03.1987 which is under challenge by the petitioner. The petitioner has not been able to show as to how he can be said to have been in any manner affected by the shifting of date of promotion of the respondent.

4. Though learned counsel, who was appearing for the petitioner, has stated that the file has been taken away from him long back and he has no instructions. No other person has been



engaged. The matter is pending since 2005 for appearance of learned counsel. The writ petition with regard to challenge the promotion of the respondent is found to have become *otiose* by efflux of time.

5. Accordingly, the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

lata/-
Item No. 4

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

