

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 22570 of 2011

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PROF DR KISHORE CHANDRA VERMA Retired Head Of Department Of Mathematics, Muzaffarpur Institute Of Technology M.I.T., Muzaffarpur, S/O Late J.N. Prasad Verma, R/O Mohalla- Quarban Road, Pakki Sarai, P.O.- G.P.O., P.S.- Town, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The Secretary, Science and Technology Department, Govt. Of Bihar, Patna
2. The Director, Science and Technology, Govt. Of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Dr Mahtab Ahmad, Advocate
For the Respondent/s : Mr Rajeev Kumar Sinha, AC to AAG VII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 23-02-2023 Heard learned counsel for the petitioner and the respondents.

Writ petition has been filed for the following relief (s):

(i) That this writ petition is being with a prayer to quash the impugned order vide letter No 2200 dated 03.08.2010 issued under the signature of Director, Science & Technology Department, Patna whereby and where under the petitioner has not been granted promotion as Reader/Professor whereas other similar post holders, either under AICTE or UGC holder have already taken the same promotion whereas they are similar to the petitioner's post and qualifications.

(ii) That this application is also being filed for commanding the respondents to give the petitioner all consequential promotional benefits after quashing of the aforesaid order dated 03.08.2010.

(iii) That this application is also being filed under writ of mandamus to directing and commanding the respondents to give promotional benefits, to the petitioner as the other similar appointee in the University/UGC Pattern who has



been granted promotional benefit as Associate Professor (Reader)/Professor and further pay him all promotional arrears of salary as well as current scale enhancement in the pension of the petitioner as admissible to him under law.

(iv) This application is also being filed for holding that the impugned order vide letter No 2200 dated 03.08.2010 in Annexure 1 is illegal, arbitrary and without any lawful justification.

Respondents, having regard to the original appointment as Demonstrator, and benefits of personal promotion granted to the petitioner on the post of Lecturer, have taken a stand that the petitioner cannot claim benefit of promotion as Reader/Professor. The petitioner, thus, cannot claim parity with regularly and directly appointed Lecturers.

Stand of the respondents in the counter affidavit is not denied or disputed by filing any reply or rejoinder.

Petitioner's counsel, however, submits that he has no instructions whether all other dues of the petitioner have been paid or not.

This writ petition is, thus, disposed of with liberty to the petitioner to move before an appropriate authority in accordance with law, if any grievance is left.

(Madhuresh Prasad, J)

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