

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.246 of 2022**  
**In**  
**Civil Writ Jurisdiction Case No.3188 of 2022**

Dr. Shiv Deepak Sharma, aged about 64 years, Son of Late Ramjanam Sharma, Resident of Railway Line Ke Pass, Damuchak Muzaffarpur - 842001, working on post of Associate Professor, Department of Sanskrit, L.S. College, Muzaffarpur constituent college of B.R. Ambedkar, Bihar University, Muzaffarpur.

... .. Appellant

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.

... .. Respondents

**Appearance :**

|                           |   |                                            |
|---------------------------|---|--------------------------------------------|
| For the Appellant         | : | Mr. Rajesh Dayal, Advocate                 |
| For the State             | : | Mr. Priyadarshi Matri Sharan, AC to AAG-15 |
| For the B.R.A. University | : | Indrajesh Kumar, Advocate                  |

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

7      15-03-2023      **Re. I. A. No. 01 of 2022**

This application has been filed for condonation of delay of 24 days in preferring the appeal.

After having considered the averments made in the application we are satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed



statutory period. Accordingly, and in the interest of justice, the delay in preferring this appeal is hereby condoned.

I.A. No. 01 of 2022 stands allowed.

**Re. LPA No. 246 of 2022**

The appellant claims that he deserved promotion to the post of University Professor under Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur (for brevity 'University'). He had preferred a representation on 17.12.2019 and approached this Court by filing a writ petition giving rise to C.W.J.C. No. 3188 of 2022 seeking a direction for disposal of his representation. The said writ petition has been disposed of by an order dated 21.03.2022, which is under challenge, in the present intra- court Appeal, with the following observation/s:-

*“The case is being taken up from defect side.*

*Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.*

*The petitioner has prayed for disposal of his representation application dated 17.12.2019 for promotion to the post of University Professor under the Merit Promotion Scheme.*

*Learned counsel for the petitioner submits that a direction be given to the respondents to decide the representation.*

*I have considered the submission, Merit Promotion Scheme/ (CAS) Career*



*Advancement Scheme is a scheme to be initiated by the University for all Assistants / Associate Professors, the same cannot be for individual persons alone. The petitioner has already applied as and when the University has taken a decision to implement its notification for providing merit promotion. The case of the petitioner would have to be considered at that stage, no direction of the nature, as prayed for by the petitioner, can be made.*

*The writ petition is misconceived and is accordingly dismissed.”*

2. Learned counsel appearing on behalf of the appellant questioning the correctness of the said order has submitted that it is the responsibility of the University to decide the petitioner's representation first, irrespective of decision to be taken in this regard under Merit Promotion Scheme/Career Advancement Scheme (for brevity 'CAS'). It is not in dispute that the University has not taken any decision to implement its notification for providing merit promotion.

3. Learned counsel for the appellant has not been able to dispute the observation made by this Court that the University has not taken a decision to implement its notification for providing merit promotion.

4. In such view of the matter, we do not find any legal infirmity requiring this Court's interference in the present intra-court Appeal.



5. This appeal is, accordingly, dismissed.

**(Chakradhari Sharan Singh, ACJ)**

**(Madhuresh Prasad, J)**

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