

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13963 of 2014

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Ram Prasad Sharma Son of Late Sukhdev Singh Resident of Village-lakhapur, P.O.- Oyena, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary (Higher Education), Department of Education, Government of Bihar, Patna.
3. The Director (Higher Education), Department of Education, Government of Bihar, Patna.
4. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, DArbhanga through its Registrar.
5. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
6. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate Mr. Raghubir Chandrayan, Advocate Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25
For the University	:	Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 12-10-2023

1. Heard learned counsel for the parties.
2. The petitioner has filed the instant application for the following reliefs:-

“1. a. For issuance of an appropriate Writ in the nature of mandamus commanding the respondents to pay the entire monetary benefits to the petitioner on the promoted post of Reader (Associate Professor) w.e.f. 01.06.1993 as the



decision has been taken for promotion of the petitioner long back on 11.02.2011 itself by the office order of the University.

b. For issuance of an appropriate Writ directing the respondents to pay interest @ 16% per annum on the amount as due to the petitioner.

c. For issuance of any other relief/s for which the Petitioner is entitled in the eye of law and in the facts and circumstances of the case.”

3. The case of the petitioner is that pursuant to the resolution taken by the governing body of the Vasudev Sanskrit College, Akbarpur, Arwal, Patna, the petitioner was appointed as a Lecturer in the Department of *Vyakaran* on 1.6.1983. Pursuant to the Advertisement no.901/94, on recommendation of the College Service Commission against Advertisement no. 901/94, the governing body of the college in its meeting dated 6.1.1998 decided to appoint the petitioner as a Lecturer in the subject of Grammar. Accordingly, the petitioner submitted his joining. It is further submitted that the University by its order dated 29.1.1999 gave approval for payment and salary and also gave approval for the permanent appointment of the petitioner and some other teachers of the college. The selection committee of the college in its meeting held on 20.1.2011 recommended for the promotion of the petitioner from the post of Lecturer to Reader. The proposal was duly approved by the governing body.



The petitioner prays that he is entitled for promotion on the post of Reader with effect from 1.6.1993 under the 10 years Time-Bound Promotion Scheme and also prays for a direction to the respondents to pay the monetary benefit to the petitioner on the promoted post of Reader (Associate Professor) with effect from 1.6.1993.

4. Learned counsel for the Kameshwar Singh Darbhanga Sanskrit University opposes the prayer made in the writ application. It is, at the first instance, submitted that the governing body of the college has not been made a party respondent. Further, from the contents of the writ application it is submitted that by the office order dated 29.1.1999, issued under the signature of the Registrar of the University, the petitioner who was appointed on a temporary basis on 1.6.1983, his service was made permanent with effect from 7.1.1998.

5. The governing body of the College not having been made party respondent, without entering into the merits of the case of the petitioner, the writ application is disposed of granting liberty to the petitioner to file a representation before the Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga (respondent no.6) for the grievances raised in the instant application.



6. In case a representation is filed within a period of three months, the Registrar shall pass a speaking order thereon and communicate it to the petitioner within a period of three months from the date of its filing.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	16.10.2023
Transmission Date	N/A

