

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10959 of 2009**

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Dr. Gauri Shankar Roy 'Kishore' son of Late Rameshwar Dutta Roy, resident of L.N. Mithila University quarter, Nargauna Campus, Police station-L.N.Mithila University, Kameshwar Nagar, District Darbhanga.

... .. Petitioner/s

Versus

1. The L.N. Mithila University , Kameshwar Nagar, Darbhanga through its Registrar, L.N. Mithila University.
2. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narayn Mithila University Kameshwar Nagar, Darbhanga.
4. State of Bihar through Secretary, Human Resources, Dept. of Higher Education, Govt. of Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Subhash Chandra Jha, Advocate  
For the Respondent/s : Mr. Pushkar Narain Shahi, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

17    12-10-2023                      Heard learned counsel for the petitioner and learned  
counsel for the University.

The petitioner has filed the instant application for the  
following reliefs:

*“That this is an application for issuance of a writ of certiorari for quashing the letter no. 10228/09 dated 29.6.2009 (Annexure-14) by which the petitioner has been informed by the Registrar of the University that the Vice Chancellor has been pleased to order for withdrawal of all promotions, which has been given to the petitioner on the basis of counting of service in J.N.L. College, Khagaul and further held that the petitioner will be treated as validly appointed person w.e.f 14.9.82 and also for issuance*



*of a writ of Mandamus directing/commanding the respondents to not to interfere with the functioning of the petitioner as Professor as well as Head of the Department of Psychology.”*

A counter affidavit has been filed on behalf of the Vice Chancellor and Registrar of the L. N. Mithila University (oath dated 17.11.2019) wherein in paragraph no.4 the following statement has been made:

*“4.That the notification dated 29.06.2009 with regard to the petitioner regarding shifting of the date of his promotion as Reader was stayed by the Hon'ble High Court vide its order dated 27.10.2009 passed in C.W.J.C. No. 10959 of 2009. The legal and valid entitlement of date as Lecturer was earlier determined as 14.09.82 and date of promotion as Reader under 8 years "Merit Promotion Scheme" was shifted to 14.09.90. After application of judgment passed in C.W.J.C. No.5859/96 after interim order; revised notification was issued vide Memo no. 10239- 831/10 dated 28.07.2010 which was issued with regard to application of the order passed in C.W.J.C. No. 5859/96. The aforementioned application did not contained the name of the petitioner and in view of the same, it is apparent that the petitioner's name has been excluded from shifting of date and as such the consequential benefits shall be given to the petitioner in pay scale of a University Professor subject to final outcome of the present case.*

*A photo copy of the*



*notification dated  
28.07.2010 is annexed  
herewith and marked as  
Annexure-A to this  
affidavit.”*

Learned counsel for the petitioner submits that there being a categorical statement in the affidavit of the University as quoted hereinabove that the name of the petitioner has been excluded from shifting of the date, the petitioner will also be entitled for consequential benefits.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case specially the statement made on behalf of the University in its counter affidavit, as quoted hereinabove, the writ application is allowed along with consequential benefits, if any, which shall be paid to the petitioner (along with the calculation chart) within a period of four months of receipt/production of a copy of this order before the Registrar, L. N. Mishra University.

The writ application stands disposed of.

**(Partha Sarthy, J)**

Bibhash

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