

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19304 of 2021

Pravin Kumar S/o Dr. L. N. Karn R/o Flat No. C2, Onkar Apartment,
Sheikhpura, Rukunpura, P.S. Rupaspur, District Patna presently posted as
Principal B.D. Evening College, Patna.

... .. Petitioner

Versus

1. State of Bihar through Principal Secretary Education Department,
Government of Bihar, Patna.
2. Principal Secretary Education Department, Government of Bihar, Patna.
3. Magadh University through its Vice Chancellor, Bodhgaya, Bihar.
4. Vice Chancellor, Magadh University, Bodhgaya, Bihar.
5. Registrar, Magadh University, Bodhgaya, Bihar.
6. Patliputra University through its Vice Chancellor, Patna.
7. Vice Chancellor, Patliputra University, Patna.
8. Registrar, Patliputra University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Advocate
For the Magadh University:		Mr.Harsh Singh, Advocate
For the Patliputra University:		Mr.Rana Vikram Singh, Advocate
		Ms. Rasika, Advocate
For the State	:	Mr.Narendra Kumar (AC to GP-20)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-09-2023 Heard learned counsel for the petitioner, learned
counsel for the Magadh University, learned counsel for the
Patliputra University and learned counsel for the State.

2. Petitioner in the present writ application is praying
for the following reliefs:-

“i. For issuance of appropriate
writ(s)/order(s)/direction(s) commanding the
respondent Magadh University to constitute a
selection committee under the provisions of
the Bihar University Act, 1976 for considering



the case of the petitioner for promotion from the post of Associate Professor to the post of University Professor as has been done in the case of Dr. Nupur Bose after the orders of this Hon'ble court passed in MJC No. 5032 of 2019.

ii. For issuance of appropriate writ(s)/order(s)/direction(s) commanding the respondent Magadh University to thereafter grant promotion to the petitioner from the post of Associate Professor to the post of University Professor as granted to Dr. Nupur Bose since the case of petitioner and Dr. Nupur Bose is same and identical.

iii. For any other relief/reliefs that the petitioner is entitled to in the fact and circumstances in the case.”

3. Learned counsel for the petitioner submits that one Dr. Nupur Bose who was similarly situated with the petitioner had also moved this Court in CWJC No. 16061 of 2011 seeking grant of promotion under Career Advancement Scheme and sought direction to the Magadh University to consider her case for promotion. The said writ application was disposed of by this Court vide order dated 26.06.2019 passed in CWJC No. 16061 of 2011 in the light of the judgment dated 10.04.2018 passed in CWJC No. 15882 of 2016. The Magadh University was directed to consider the case of the petitioner in the said case for



promotion within a maximum period of three months. When the order of this Court was not complied with, Dr. Nupur Bose filed a contempt application being MJC No. 5032 of 2019. The petitioner sought to intervene in the said contempt application by filing I.A. No. 1 of 2021 but the same was disposed of with liberty to the petitioner to file a fresh application. In the above mentioned background, this writ application has been filed.

4. Learned counsel for the Magadh University has drawn the attention of this Court towards the statements made in Paragraph '8' of the writ application and at the same time has submitted that vide order dated 15.11.2019 in CWJC No. 21614 of 2018 this Court has taken a view that after creation of the Patliputra University with effect from 18.03.2018 the decisions in the pending cases of promotion are to be taken by the Patliputra University. It is stated that the Magadh University has no objection if the case of the petitioner is considered by the Patliputra University on the basis of the records which have already been forwarded to the Patliputra University. It is also submitted that Magadh University is always ready to cooperate with the Patliputra University in taking appropriate and immediate steps and in this regard whatever will be required to be done at its end, the same will be done at the earliest



opportunity.

5. Learned counsel for the Patliputra University submits that a decision with regard to the claim of the petitioner shall be taken upon consideration of his representation, if any, pending with the records received from Magadh University and an appropriate view thereon shall be taken within a reasonable period.

6. Having regard to the kind of submissions advanced before this Court, this Court directs Patliputra University (Respondent No. 6) to consider the representation of the petitioner, if any on the record or else the petitioner will be at liberty to file a fresh and consolidated representation within a period of four weeks from today which will be considered and disposed of within a period of three months from the date of receipt of the representation. While taking the decision, the judgment of this Court in case of Dr. Nupur Bose, if not interfered with in appeal must be taken into consideration.

7. Learned counsel for the petitioner has expressed an apprehension that perhaps there is no duly constituted selection committee in the Patliputra University for consideration of the cases such as that of the petitioner, if it so, it is incumbent upon



the University concerned to take appropriate steps in accordance with law to constitute such a committee as early as possible and consider the case of the petitioner.

8. This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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