

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15593 of 2018

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1. Arvind Kumar Tiwary, Son of Late Shivnath Tiwary, Resident of Majha House, Hathwa, P.S. and P.O.- Hathwa, District- Gopalganj, 845436.
 2. Banaras Chaudhary, S/o Late Shrawan Chaudhary, Resident of Village- Piparpanti, P.O.- Bari Raybhan, Via- Hathwa, P.S. Hathwa, District- Gopalganj, 845436.

... .. Petitioners

Versus

1. The Hon'ble Chancellor, Universities of Bihar, Raj Bhawan, Patna.
2. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
3. Kameshwar Singh Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar.
4. The Vice-Chancellor, Kameshwar Singh Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Registrar, Kameshwar Singh Sanskrit University, Kameshwar Nagar, Darbhanga.
6. The Finance Officer, Kameshwar Singh Sanskrit University, Kameshwar Nagar, Darbhanga.
7. The Financial Advisor, Kameshwar Singh Sanskrit University, Kameshwar Nagar, Darbhanga.
8. The Principal, Sri Chhatradhari Sanskrit College, Hathua, P.S. Hathua, District- Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Harendra Kumar Tiwary, Advocate Mr. Binay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GP-17 Mr. Arbind Kumar, AC to GP-17
For the University	:	Mr. Ravi Nandan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 12-09-2023 The petitioners in the present case have prayed for the following reliefs:-

“i. For issuance of appropriate writ(s) order(s) and direction for grant of promotion under scheme of ACP/MACP in the light of Annexure 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13 and



14, by which in the light of direction of respondent state govt. and in the light of direction of Hon'ble Chancellor, respondent university and other university have already granted promotion of ACP/MACP to other employees, but in the case of these Petitioners they are sitting tight over the matter without having any valid justification thereof.

ii. For issuance of appropriate writ, order and direction(s) to respondents for grant of promotion under ACP/MACP Scheme in view of the admitted fact that from the date of their respective joining no any promotional avenue has been provided to these Petitioners.

iii. For issuance of appropriate writ, order and direction(s) to respondents that in the above referred annexure No. 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13 and 14, these Petitioners are also entitled for grant of ACP/MACP from the date of their respective joining, which has already been approved by respondent university on various occasions and Petitioners have already been paid their salary and other entitlement.

iv. For issuance of appropriate writ, order and direction(s) to respondents to make payment of arrears on account of their promotion under ACP/MACP Scheme and other dues for which they are found entitled.

v. For issuance of appropriate writ, order and direction(s) to respondents to make payment of above stated amount to these petitioners with statutory as well as penal interest from the date on which it fell due to the date of actual



payment and further respondents may kindly be directed to pay litigation cost also.

vi. For any other relief(s) for which these Petitioners may be found entitled in the facts and circumstances of this case.”

2. Learned counsel for the petitioners submits that at this stage instead of seeking adjudication in the present writ application, the petitioners have been advised to file a representation before the competent authority, therefore, the petitioners would withdraw this writ application with liberty to file an appropriate representation before the competent authority and pursue the same.

3. Learned counsel for the State has no objection to the aforesaid prayer of the petitioners.

4. Having regard to the submissions noted hereinabove, this writ application is permitted to be withdrawn with liberty to the petitioners to seek their remedy, if so advised, before the competent authority/respondent in accordance with law.

5. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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