

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7629 of 2021

Dr. Vinod Kumar, Son of Late Basudev Sharma, resident of village - Nagla - Hira, P.O. - Iglas, District- Aligarh (U.P.), Pin 202124, Presently working - Department of Food, Science and PHT, Bihar Agricultural College, Campus, Sabour, P.S. - Sabour, District- Bhagalpur, Pin - 813210.

... .. Petitioner/s

Versus

1. The Bihar Agricultural University Sabour, Bhagalpur, through its Registrar having at Sabour, Bhagalpur.
2. The Vice - Chancellor, Bihar Agricultural University, Sabour, Bhagalpur.
3. The Registrar, Bihar Agricultural University, Sabour, Bhagalpur.
4. The Director Administration, Bihar Agricultural University, Sabour, Bhagalpur.
5. The Director of Research, Bihar Agricultural University, Sabour, Bhagalpur.
6. The Director Extension - cum - Chairman, Grievance redressal Committee, Bihar Agricultural University, Sabour, Bhagalpur.
7. The Principal, Bihar Agricultural University, Sabour, Bhagalpur.
8. The Assistant director (PI and M), Indian Counsel of Agricultural research, Krishi Bhawan, New Delhi, 110001.
9. The Secretary, Indian Counsel of Agricultural Research, Krishi Bhawan, New Delhi, 110001.
10. The Hon'ble Chancellor Universities, Governor Secretariat, Bihar, Rajbhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Singh, Advocate
For the Respondent No. 10 :		Mr. Janardan Pd. Singh, Sr. Advocate
		Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the B.A.U.	:	Mr. Sriram Krishna, Advocate
		Mr. Amarjeet, Advocate
		Mr. Prabhat Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 16-12-2024 The petitioner has filed the instant writ petition
praying for the following reliefs:

*“Issuance of writ of
Mandamus directing/ commanding the*



respondents for promotion/ up gradation on the Post of Assistant Professor-cum- Junior Scientist from the post of Senior Technical Assistant / Technical Assistant while the similar positioned persons have been granted promotion/ up gradation on the Post of Assistant Professor-cum- Junior Scientist from the Post of Senior Technical Assistant/ Technical Assistant much earlier and grievance of the petitioner has not been considered either at the time of considering grievance of other similar situated persons when promoted/ upgraded on the Post of Assistant Professor- cum- Junior scientist or thereafter and Grievance Redressal Committee has specially stated that no any such matter of the petitioner has been pending for consideration in the University conducted by the ICAR under Scheme of AICRP (All India Co-ordinated Research Projects) for promotion/ up-gradation on the Post of Assistant Professor- cum- Junior Scientist from the Post of Senior Technical Assistant/ Technical Assistant.”

2. Indisputably, the petitioner was appointed on 08th



July 1988 in the Rajendra Agricultural University on the post of Technical Supervisor under scheme “All India Co-ordinated Vegetable Improvement Project, Bihar Agricultural College, Sabour, Bhagalpur”. It is needless to say that the name of the aforesaid University is now changed to Bihar Agricultural University, Sabour at Bhagalpur. Subsequent to his appointment, he worked as Technical Assistant in different projects under the University. In the meantime, he obtained Masters’ Degree in Horticulture and in the year 1993, he obtained PhD Degree. It is contended by the petitioner that the Indian Counsel of Agricultural Research (ICAR) had issued letters dated 25th November 1988 and 20th April 1993, requesting upgradation of Senior Technical Assistant to Assistant Scientists level under ICAR projects in State Agricultural University. The letter issued by ICAR dated 29th November 1988 directed that during the Seventh Five Year Plan, the post of Senior Technical Assistant (STA) were provided vice the posts of Senior Research Assistant (now upgraded to Assistant Professors). The Director of Research of the Universities were council’s Coordinated Projects are functioning were requested to adjust the incumbents of these posts in the same discipline in the respective Universities. Subsequent to the said decision, a Committee was



constituted by the University under the chairmanship of Dr. P.N. Jha Ex Vice-Chancellor of Rajendra Agricultural University. The Committee submitted its report, stating, *inter alia*, that the ICAR has sent the direction, i.e., Senior Technical Assistants/Technical Assistants be now absorbed as Assistant Professor/Jr. Scientists level posts in the pay scale of Rs. 700-1600/- now revised to Rs. 2200-4000/-. The direction of the ICAR was implemented by the University in so far as one Shri S.N. Singh is concerned which was approved by the Board of Management and he was allowed the cadre of the Assistant Professor in the pay scale of 2200-4000/-. Further, on representation of Shri R.P. Sharma who was senior to Shri S.N. Singh in the panel of candidates appointed at that time, the University allowed grade and status to Shri R.P. Sharma as well on the ground that the person junior to him i.e., Shri S.N. Singh was given these benefits by the Board of Management.

3. As two of the technical assistants were promoted to the post of Assistant Professors/ Jr. Scientists, 8 candidates, out of whom 7 candidates were holding M.Sc. Degree made representation before the Committee to grant promotion in the same line of Shri S.N. Singh and Shri R.P. Sharma. The Committee opined that the request of the above-named



applicants is justified and ought to be allowed. They can conveniently be adjusted against such vacancies as the 7 of them are holding M.Sc. Degree are qualified for such posts. Therefore, the Committee proposed to obtain concurrence of the Board of the Management for their promotion, however, the petitioner has not been promoted till date. He filed a representation before the Chairman, Grievance Committee, Bihar Agricultural University on 24th June 2020. Thereafter, the said representation was forwarded to the Associate Dean cum Principal of Bihar Agricultural College. The petitioner subsequently, filed another representation on 01.07.2020 before the Vice-Chancellor, Bihar Agricultural University, making the same contention. However, the petitioner was not promoted to the post of Assistant Professor till date, so is the instant writ.

4. It is submitted by the learned Advocate for the University placing reliance to the supplementary counter-affidavit dated 02nd December 2024 that the petitioner had been adjusted from time to time under the non-planned scheme as a consequence of withdrawal of his post under AICIT by the ICAR, New Delhi on 16th September 1993, upon which the petitioner has initially being appointed because otherwise the petitioner would have simply lost the job. Since, the project in



which the petitioner was appointed, was withdrawn by the ICAR, he is no longer entitled to be promoted to the post of Assistant Professor cum Jr. Scientist. The petitioner has filed a rejoinder to the said counter-affidavit whereby and whereunder, he reiterated the same stand taken by him in his writ petition.

5. Having heard the learned counsels for the petitioner and for the University and on careful perusal of the entire documents, it is found without any iota of dispute that the petitioner was appointed as the Technical Assistant in the University under a particular project. Subsequently, he is working as Technical Assistant on his transfer from one project to another project. It is not in dispute that till now, he is working. There is no stipulation in the letter issued by the ICAR(Annexure 1) that on completion/withdrawal of project, the post will be abolished. Factually, the post of the petitioner has not been abolished as yet. Two of his colleagues were promoted to the post of Assistant Professor long ago. The University authority did not consider the representation submitted by the petitioner till date on 01st July 2020.

6. Therefore, this Court is of the view that the Vice-Chancellor of Bihar Agricultural University (respondent no. 2) is under legal obligation to dispose of the said representation in



accordance with law and in the light of the observation made hereinabove. Such representation shall be disposed of within 60 days from the date of this order giving opportunity petitioner of being heard.

7. The reasoned order to be passed by the Vice-Chancellor shall be communicated to the petitioner.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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