

Dr. Ravi Ranjan Sinha Son of Baldeo Narain Sinha, Resident of 118E, S.K. Puri, P.S.- Srikrishnapuri, Patna- 800001

Versus

1. Patna University, Patna and Ors
2. The Vice Chancellor, Patna University, Patna.
3. The Registrar, Patna University, Patna.
4. The Population Research Centre, Department of Statistics, Patna University, Patna through its Honor
5. Ministry of Health and Family Welfare Statistics Division, Government of India, Nirman Bhawan, Mau

... .. Respondent/s

For the Petitioner/s	:	Mr. Ajay Kumar Sinha
	:	Mr. Sachindra Kumar Tiwary
	:	Ms. Dilkash Khan
	:	Ms. Minu Kumari
	:	Mr. Pravin Kumar
For the Respondent/s	:	Mr. Amarendra Nath Verma
For the Patna University	:	Mr. Manish Dhari Singh

23 02-09-2024

1. The petitioner is aggrieved by the order, dated 07.01.2015, bearing letter no. AC/Est./16 (Annexure 7), whereby the promotion of the petitioner from Research Analyst to the post of Research Officer of Population Research Center, Patna University, has been cancelled. *Vide* letter no. A/C 4702, dated 08.09.1965, Demographic Research Center, now renamed as Population Research Center at Patna, was established under the administrative control of Patna University with the Head of Department of Statistics as its Chief.

2. The necessary grant for payment of salary and other allowances of the employees working under the Center was



being released by the Ministry of Health and Family Welfare, Government of India, in every financial year. The directives issued by the Government of India from time to time was being followed by the Respondent/University and the Center is basically a project of the Ministry of Health, Government of India. The Demographic Research Center was only attached with Patna University for the purposes of administrative control of the University. The employees working under P.R.C. worked under the project independently.

3. Mr. Ajay Kumar Sinha, learned senior counsel appearing for the petitioner, submits that a revised scheme for the Department of Demographic Center at Patna has been attached with the letter of the Registrar sent to the Director General, Health Services, Government of India, dated 8th September, 1965, for establishment of Demographic Research Center. As per the revised scheme of the Demographic Center at Patna in relation to service condition, it has been prescribed that the service condition, leave rules, holidays of the staff of the Center will be the same as those of Patna University. Their pay scale also will be in conformity with those of the University and any revision in the pay scale of the University will affect the corresponding revision in the pay scale of staff of the Center.



The members of the staff of the Center will also be paid allowances admissible under Patna University Rules.

4. The Academic Council of the University, in its meeting held on 10th August, 1978, resolved that the Research Associates, Research Officer, Research Assistants and Research Fellows, who are on the regular cadre of the University shall be recognized as teachers of the University and they be designated as Research Officers. The resolution of the Academic Council has been communicated by the Registrar of the University to the Dean of various faculties.

5. A revised guidelines of the Population Research Center, Ministry of Health and Family Welfare was framed and notified in March 2012 which prescribes that promotion under Career Advancement Scheme to be followed as per the U.G.C. Guidelines 2010, wherever the U.G.C. scales adopted, otherwise C.A.S. adopted by the State for similar posts shall be applicable.

6. On the recommendation of the Promotion Committee, the petitioner was given personal promotion on the post of Research Officer *vide* notification, dated 26.09.2013, with effect from 08.06.2004. The promotion granted to the petitioner has been cancelled by the impugned letter, dated 07.01.2015, without giving any opportunity to the petitioner to



submit his show cause and behind the back of the petitioner.

7. According to the learned senior counsel the impugned letter of cancellation of promotion is violative of principles of natural justice and is arbitrary. He further argued that Ministry of Health and Family Welfare came out with circular, dated 25.04.2007, issued to the Vice-Chancellor/Director of concerned Universities, Registrar and other authorities stating therein that pending completion of the evaluation exercise, the Ministry would not be processing the pending administrative matter of the PRCs. The host universities, institutions are however, requested to deal with the administrative matters of PRCs like CAS etc. at their level in accordance with the relevant rules and regulations without involving the MoHFW and without altering the basic sanctioned strength and structure of the PRCs. Accordingly, the submission is that decision taken by the Ministry of Health and Family Welfare *vide* letter, dated 25.04.2007, has also been followed in the guidelines framed by them in 2011. Thus, the same indicates that MoU of 1965, annexed at *Annexure I* is being followed by the Ministry of Health and Family Welfare continuously.

8. On the other hand, learned counsel for the Union of India submits that the letter issued on 08.09.1965 by the Patna



University addressed to the Director General of Health Services was only a proposal for consideration and approval and this document has not been created by the Ministry of Health and Family Welfare and the same was unilateral proposal of the University. The PRCs are administered by the concerned University/Institutes based upon the stipulated guidelines of MoHWF which lays down minimum qualification and experience prescribed for various posts. The guidelines of 2011, which came into application in 2012, is relevant for considering the service condition of the petitioner and others. Though, the Universities/Institutes, in question are the appointing authority of PRC employees but in view of the funding factor, the PRCs have to function with the parameters and the guidelines issued by the Government of India particularly those issued by the MoHFW. The promotion granted to the petitioner by Patna University was without any express approval of MoHFW (The Funding Agency) as such, the same has got no sanctity. Accordingly, the Ministry requested the Registrar, Patna University, to revert the promotion and in that view of the matter, the promotion order of the petitioner has been cancelled. The post of Research Officer is a direct recruitment post and promotion on that post cannot be granted by the University.



9. Learned counsel for the University submitted that Ministry of Health and Family Welfare directed the University to cancel the promotion of the petitioner with the caution that if it is not done by the University, the funding shall be stopped. The University has acted on the direction of the Ministry of Health and Family Welfare, Government of India.

10. Learned senior counsel, in reply, submits that promotion was not granted to the petitioner as Research Officer on the regular basis, rather, it was a personal promotion given to him and the contention of the respondents that the post is of direct recruitment is inconsequential.

11. I have heard learned counsel for the parties and have gone through the relevant materials on record. It is not disputed that the petitioner was appointed as Research Analyst and was given promotion by the University *vide* notification dated 26.09.2013 with effect from 08.06.2004. The promotion granted to the petitioner has been cancelled unilaterally by the University without giving any notice/show cause to the petitioner and opportunity to represent before the authority. In view of the admitted fact that order of promotion has been cancelled without any notice to the petitioner, in my opinion the same violates the principles of natural justice and accordingly,



the order dated 07.01.2015 is unsustainable and hereby quashed.

12. The matter is remitted back to the Vice-Chancellor of the Patna University to take a fresh decision for grant of promotion to the petitioner in the light of the direction/guidelines/circular of the Government of India and in the light of the other provisions applicable to the staff of the Research Center after giving opportunity of hearing to the petitioner and all concerned. The final decision must be taken by the Vice-Chancellor within a period of four months from the date of receipt/production of a copy of this order. The Vice-Chancellor shall be obliged to pass a speaking and reasoned order in this regard. If the claim of the petitioner is found admissible by the Vice-Chancellor, the consequential monetary benefits shall be given to the petitioner within one month from the date of decision taken by the Vice-Chancellor.

13. Accordingly, the present writ application is disposed to the extent indicated above.

(Anil Kumar Sinha, J)

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