

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3567 of 2016

Dr. Dinesh Prasad Son of Late Sukh Lal Prasad, resident of Village- Bhikham Pur, P.S.- Rupow, District- Nalanda.

... .. Petitioner/s

Versus

1. The Vice Chancellor, Magadh University
2. The Registrar, Magadh University, Bodh Gaya.
3. The Principal, Ram Lakhan Singh Yadav College, Bakhityarpur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akash Kumar Mishra
For the University	:	Mr. Pankaj Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

10 03-09-2024

1. The petitioner has filed the present writ application for quashing the order, dated 05.01.2016, bearing memo no. GIC-4/16, issued under the signature of Registrar, Magadh University, whereby the promotion granted to the petitioner on the post of Lab In-charge in the year 1989 has been cancelled and the petitioner has been reverted back on the post of Store Keeper.

2. Learned counsel for the petitioner submits that the petitioner was granted promotion from Store Keeper to Lab In-charge (Chemistry Department) in the Pay Scale of Rs. 785-1210 by virtue of decision taken by the Vice Chancellor and was communicated to the petitioner by the Finance Officer of the University vide its letter, dated 02.08.1989.



3. After promotion on the post of Lab In-charge, the petitioner started getting the promotional scale and thereafter, he became Demonstrator (Re-designated).

4. After about 27 years of service of the petitioner on promotional post his promotion was suddenly cancelled by the impugned order, dated 05.01.2016, without giving any show-cause and/or notice to the petitioner, therefore, according to the petitioner, the impugned letter is violative of principle of nature justice.

5. On the other hand, learned counsel for the University submits that the promotion given to the petitioner in the year 1989 was not a valid promotion and the same was not given by the Vice Chancellor of the University. Rather, the Finance Officer of the University, on his own, issued letter of promotion to the petitioner and other employees working in the University and its colleges, in violation of the statutory and other legal provision. By the impugned order illegal promotion given to the similarly situated employees of the University/College/s has also been cancelled.

6. Learned counsel further argues that the cadre of the Store Keeper and Lab In-charge is separate and the Store Keeper cannot be promoted as Lab In-charge as per the



recruitment rules.

7. Having heard learned counsel for the parties and taking into consideration the fact that promotion was given to the petitioner from the post of Store Keeper to Lab In-charge in the year 1989 and thereafter, he started getting promotional scale, as such, cancellation of promotion after lapse of about 27 years without giving show-cause and/or notice to the petitioner is violative of principle of nature justice.

8. In the result, the impugned order, dated 05.01.2016, is set aside qua the petitioner. The respondent-authorities shall be at liberty to take appropriate decision after following principle of nature justice and in accordance with law in respect of the petitioner.

9. This writ application is, accordingly, allowed.

(Anil Kumar Sinha, J)

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