

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.561 of 2020

Dr. Ashok Kumar Mishra Son of Sri Nagendra Mishra present posted and working as Assistant Professor, Z.A. Islamia College, Siwan, P.S. and District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. J.P. University, Chapra through its Registrar.
3. The Vice Chancellor, J.P. University, Chapra at Chapra.
4. The Registrar, J.P. University, Chapra at Chapra.
5. Z.A. Islamia College, Siwan through its Secretary, Siwan at Siwan.
6. The Principal, Z.A. Islamia College, Siwan at Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For J.P. University		Mr. Bindhyachal Rai, Adv.
		Mr. Chandan Kumar, Adv.
For the State	:	Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

16 23-09-2024

Re: I.A. No. 01 of 2024

This interlocutory application has been filed for recalling of the order dated 08.07.2024 passed by this Court by which respondent nos. 5 and 6 have been directed to deposit an amount of Rs. 10,000/- in the account of Patna High Court Legal Services Committee, Patna.

2. For the reasons stated in the interlocutory application and after considering the submissions, this interlocutory application is allowed and the order dated 08.07.2024, directing the respondent nos. 5 and 6 to deposit an



amount of Rs. 10,000/- in the account of Patna High Court Legal Services Committee, Patna, is hereby recalled.

Re: I.A. No. 02 of 2024

3. This interlocutory application has been filed for seeking amendment in the main writ petition by adding relief no. (iv) as follows:

“(iv) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents Z.A. Islamia College as well as the respondent University to consider the case of the petitioner for further promotion to the post of Lecturer selection grade/Reader w.e.f. 27.07.2023 to the post of Associate Professor w.e.f. 27.07.2006 and to the post of Professor w.e.f. 27.07.2011 with all consequential benefits.”

4. Considering the facts stated in the interlocutory application, this interlocutory application is disposed of with a liberty to the petitioner to file fresh writ petition for the relief aforesaid.

Re: C.W.J.C. No. 561 of 2020

5. Heard learned counsel for the parties.

6. This writ petition has been filed for the following reliefs:

“I. Issuance of a direction, order or writ,



including writ in the nature of mandamus commanding the concerned respondent authorities under the University to take steps towards considering the case of the petitioner for granting him promotion in the rank of Reader in terms of the provisions contained under the different statutes regarding promotion of teachers working in different colleges, including affiliated religious and minority colleges under the University, including the Statutes regarding Time Bound Promotion as contained in a letter dated 14/09/1992 bearing no. BSU-20/92-2280/GS (I) issued by the concerned authorities under the Governor's Secretariat, Bihar, Patna.

II. For grant of an alternative to give effect the notification issued vide letter No. 1262(R) dated 07.11.2017 by which the university has taken a decision to promote the petitioner and others from the post of Lecturer to the post of lecturer (Senior Scale) with effect from the date mention against their names as per provision of the Career Advancement Scheme Statute vide letter no. BSU-8/2005-1715GS(1) dated 29.06.2005 as amended vide letter no. BSU-27/2008- 2166/GS(1) dated 30.06.2008 and further amended vide letter no. BSU-17/2009-1395/GS(1) dated 26.09.2012 as the



same was not attended finality due to the reason that the concerned college has disputed the same on the ground that provisions contained under section 57A of Bihar State Universities Act, 1976 and the statutes framed under section 57B, the selection committee constituted in terms of the said provisions alone is competent to make recommendation for granting promotions to the teacher working in minority educational institution affiliated to the university.

III. Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

7. From the arguments as advanced on behalf of the parties and the materials available on record, it appears that the grievance of the petitioner has already been redressed and the learned counsel for the petitioner has no objection to this.

8. Accordingly, this writ petitioner is disposed of.

(Anjani Kumar Sharan, J)

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