

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4709 of 2023

1. Dr. Om Prakash Thakur Son of Late Kameshwar Thakur, Resident of Flat No. - 18, Sudha Villa Apartment, Kurji More, P.S. - Pataliputra, District - Patna.
2. Dr. Aseem Kumar Thakur, Son of Late Kameshwar Thakur, Resident of Flat No. - 17, Sudha Villa Apartment, Kurji More, P.S. - Patliputra, District - Patna.
3. Dr. Sunil Kumar, Son of Sri Buddhadeo Singh, Paraw Pokhar Road, P.S. - Kazi Mohammadpur, Amgola, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Science and Technology Department, Government of Bihar, Technology Bhawan, Baily Road, Patna.
2. The Principal Secretary, Science and Technology Department, Government of Bihar, Technology Bhawan, Baily Road Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Deputy Secretary, Science and Technology Department, Government of Bihar, Technology Bhawan, Baily Road, Patna.
5. The Director, Science and Technology Department, Government of Bihar, Technology Bhawan, Baily Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arup Kumar Chongdar
For the Respondent/s : Mr.Kumar Alok (Sc7)

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

4 15-07-2025 Heard Mr. Arup Kumar Chongdar, learned counsel for the petitioners and Mr. Kumar Alok, learned counsel for the respondents.

2. The petitioner No. 1 is a retired Associate Professor (Pharmacy) from Muzaffarpur Institute of Technology, Muzaffarpur. The petitioner Nos. 2 and 3 are Associate Professor (Civil Engineering) at Muzaffarpur Institute of

Technology, Muzaffarpur. Learned counsel for the petitioners has submitted that presently the petitioner No. 2 is working as Principal at Sri Phanishwar Nath Renu Engineering College, Araria and the petitioner No. 3 is working as Acting Principal at Sitamarhi Institute of Technology, Sitamarhi.

3. All the three petitioners have filed this writ petition seeking a direction to the respondents to consider the case of the petitioners and grant them promotion to the post of professor in terms of Career Advancement Scheme from their respective due dates and also for a direction to pay the petitioners all consequential benefits of such promotion.

4. The petitioners contend that the promotion to the post of Professor in the Muzaffarpur Institute of Technology, Muzaffarpur is regulated by a set of guidelines issued by the Secretary, Department of Finance, Government of Bihar dated 11.08.2011 vide Memo No. 3 ए-2- वे० पु०-08/2011 (annexure-P/1 to the writ petition).

5. Clause 12(xiii) of the aforesaid guidelines provides that the Associate Professor having completed three years in AGP of Rs. 9,000/- and possessing Ph.D. in the relevant subject shall be eligible to be appointed and designated as Professor subject to the other conditions of academic performance as

specified by AICTE.

6. Learned counsel for the petitioners contend that all the petitioners have completed three years in the AGP of Rs. 9,000/- having Ph.D. in the relevant subject and also fulfills all other conditions of academic performance as specified by AICTE.

7. Respondent Nos. 1-5 have filed a counter affidavit wherein, in paragraph No. 5 and 6 thereof it has been stated as under:

“...5. That in response to the prayer made by the writ petitioners it is humbly submitted that the case of the petitioners will be taken into consideration in the next Departmental Sub Committee constituted for the Financial Progression of the teachers appointed in different State Engineering College under the Department of Science, Technology and Technical Education, Govt. of Bihar constituted vide letter No. 4392 dated 05.12.2023.

6. that vide letter No. 959 dated 05.03.2024 in the aforesaid meeting, the cases of these petitioners shall also be placed before the said committee, if the case of these petitioners will be found deemed fit by the committee, then in such case, their matter will be taken up for further consideration by the Departmental Promotion Committee constituted for this purpose for giving the admissible benefits strictly in accordance with the provisions of law...”

8. On perusal of paragraph Nos. 5 and 6 of the counter affidavit filed by the respondent Nos. 1-5 it appears that the respondent authorities have not denied the eligibility of the petitioners for being considered for promotion in the post of Professor. The counter affidavit filed by the respondent Nos. 1-5 further indicates that the respondent authorities are taking steps to consider the case of the petitioners in the post of Professor subject to the petitioners found eligible and fit for such promotion.

9. Despite the aforesaid stand of the respondent authorities it appears that the case of the petitioners have not been considered for promotion to the post of Professor by the competent authorities.

10. Under the aforesaid circumstance, on consideration of the matter in its entirety, since the respondents have not denied the eligibility of the petitioners for consideration for promotion to the post of Professor in their respective disciplines from due date, this writ petition is hereby disposed off with a direction to the respondent authorities to consider the case of the petitioners for promotion to the post of Professor in their respective disciplines from due date, in accordance with law, as expeditiously as possible preferably

within a period of three months from the date of receipt of
certified copy of this order.

11. The writ petition stands disposed off with the
above direction.

(Nani Tagia, J)

Nishant/-

U			
---	--	--	--