

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.620 of 2022
In
Civil Writ Jurisdiction Case No.13826 of 2014**

Dr. Dwijendra Narain Singh, son of Late Surendra Narain Singh, Resident of
Village- Laxmipur, P.S.-Uda Kishunganj, District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Science and Technology,
Government of Bihar, Patna.
3. The Director, Department of Science and Technology, Government of Bihar,
Patna.
4. The Additional Secretary, Department of Science and Technology,
Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rupak Kumar, Advocate Mr. Ratan Kumar, Advocate Mr. Vikrant Kumar, Advocate Mr. Virendra Prasad, Advocate
For the Respondent/s	:	Mr. Ajay, G.A.5 Mr. Pratik Kumar, A.C. to G.A.5

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date : 28-04-2025

Heard Mr. Rupak Kumar, the learned Advocate
for the appellant and Mr. Pratik Kumar, the learned A.C.



to G.A. 5 for the respondents.

2. This intra-court appeal is directed against the judgment dated 29.09.2022 passed by a learned Single Judge of this Court in CWJC No.13826 of 2014, refusing to accede to the request of the appellant for a direction to the respondents to give him second time bound promotion w.e.f. 16.07.1991, for which he claims entitlement.

3. The appellant was appointed as an Assistant Professor on 16.07.1975 in the Electrical Engineering Department in Government Polytechnic College, Guljarbagh. He, under the scheme of time bound promotion, guaranteeing every employee to get first time bound promotion after 10 years of service, became entitled for the same on 16.07.1985. He was but granted first time bound promotion in 1994. Had he been granted first time bound promotion in 1985, he would have become entitled for second time bound promotion in the year 1991, as second time bound promotion under



the scheme was to be given after completion of 16 years of service by an employee.

4. The appellant contends that with the scheme remaining in existence even after the appellant completed his 16 years of service, which entitled him for a second time bound promotion, and the same could not have been denied to him on the ground that the scheme was withdrawn in the year 1989.

5. The aforementioned contention of the appellant was not accepted by the learned Single Judge on a number of counts; the first being that the scheme itself stood withdrawn from 1989 onwards.

6. The second of the grounds cited by the learned Single Judge was that similar issue had been decided by a learned Single Judge of this Court in **CWJC No. 22005 of 2011 (Mahesh Kumar Sharma & Ors. vs. The State of Bihar & Ors.)** wherein, in the absence of the election of an employee to remain in the old scheme, not having been made within the window



provided, tantamounted to accepting that the employee concerned would be amenable to the new AICTE Rules of promotion.

7. The last of the grounds which weighed with the learned Single Judge was that the second time bound promotion which would have catapulted the appellant to the post of Professor; but such post is not available in any Polytechnic College.

8. The learned Advocate for the appellant, however, has submitted that the Finance Department Circular clearly stipulates that the time bound promotion scheme continued till 1996. He has further submitted that for the delay in grant of first time bound promotion, to which the appellant became entitled in 1985 but was given the promotion only in the year 1994, ought not to be taken as a ground for defeating his claim for being given second time bound promotion, to which he became entitled much before the scheme was withdrawn.

9. In support of the aforesaid contention, the



learned counsel for the appellant drew the attention of this Court to the circulars of the Finance Department which clearly stated that the withdrawal of the scheme in the year 1989 was to have effect only from 1996 and not before.

10. The last of the contentions of the appellant is that in the present case, the second time bound promotion did not require the appellant to be promoted to the post of Professor, but the respondents were required to give only the monetary benefit equivalent of such promotion.

11. The aforementioned arguments on behalf of the appellant does not impress us for the following reasons:

(i) The appellant was granted first time bound promotion in the year 1994 though, according to the old scheme, he was entitled for the same in the year 1985.

(ii) The scheme under which such time bound promotion was given was withdrawn in the year 1989 but with a caveat that it shall take effect from 1996.



(iii) This time gap was for accommodating persons/ employees, who would have elected for being part of the old scheme; or else any employee getting first time bound promotion would not have been entitled to a second time bound promotion after further six years because, the second time bound promotion was to be given under the scheme after 16 years of service; the first being after 10 years of service.

12. Precisely for this reason, the State has taken the plea that the scheme stood withdrawn and since the appellant did not exercise the option to continue with the old scheme, he was put in the category of employees who would be guided by the new AICTE Promotion Rules, where no time bound promotion was given.

13. These aspects were looked into by the learned Single Judge and the prayer made on behalf of the appellant was rejected.

14. We endorse the aforementioned view of the



learned Single Judge and dismiss the appeal as
meritless.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Saurabh/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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