

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2874 of 2025

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Smt. Krishna Devi Wife of Upendra Sharma Resident of Village- Nimsar,
P.O.- Nimsar, P.S.- Alipur, District- Gaya.

... .. Petitioner/s

Versus

1. The Magadh University, Bodh Gaya through its Registrar, Magadh University, Bodh Gaya, Gaya.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Bihar, Patna.
4. The Vice- Chancellor, Magadh University, Bodh- Gaya.
5. The Registrar, Magadh University, Bodh- Gaya, Gaya.
6. The Finance Officer, Magadh University, Bodh- Gaya, Gaya.
7. The Principal, Ram Lakhan Singh Yadav College, Aurangabad.
8. Section Officer, Teachers Promotion Cell, Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Respondent/s : Mr. Government Pleader-20

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-02-2026 Heard learned Advocate for the petitioner and the

learned Advocate for the University.

2. A hapless widow of the erstwhile employee of the

University has approached this Court seeking following reliefs:-

I. For issuance of a writ in the nature of writ of mandamus commanding the Respondents for fixing the date of promotion (time bound) of the petitioner to the post of Reader from the post of Lecturer as 01.08.1987 after completion of 10 years of service as lecturer in tune with the order of the Hon'ble Vice-Chancellor,



Magadh University, Bodh Gaya contained in Memo No. G.S.I.D/14/2020 dated 12.02.2020 whereby the date of absorption and confirmation of the late husband of the Petitioner to the post of lecturer was rectified in accordance with the recommendation of the Hon'ble Justice S.C. Agrawal Commission report with effect from the date of joining, that is, from 01.08.1977.

II. For directing the respondent to pay the benefits / arrears to the Petitioner arising/accruing out of the change in date of time bound promotion given to the late husband (Sri Upendra Sharma) of the Petitioner, who had died on 09.07.1996 and was given promotion to the post of Reader with effect from 11.09.1991 by the order contained in Memo No.-PC/307/2011 of the Hon'ble Vice-Chancellor, Magadh University, Bodh Gaya after the decision taken vide the Memo No.GSID/324/09 on the absorption and confirmation of the working teachers in Fourth Phase Constituent Colleges whereby the service of late husband of the Petitioner, who was working in Ram Lakhan Singh Yadav College, Aurangabad was confirmed with effect from 11.09.81.

III. For any other order/orders granting Any further consequential reliefs which may be granted to the petitioner, which your lordships deemed fit necessary, in the facts and



circumstances of this case.

3. Learned Advocate for the petitioner referring to the order as contained in Memo No. G.S.1.D/14/2020 dated 12.02.2020 submitted that consequent upon the direction of the State Government vide its order dated 03.04.2018 passed in compliance with the order of this Court dated 23.06.2015 in C.W.J.C. No. 21232 of 2014 and duly affirmed by the Hon'ble Supreme Court in CA No. 2794 of 2017 and further after getting proper approval of the Post Creation, Absorption and Confirmation Committee, the rectification in the date of confirmation made earlier vide letter dated 16.09.2009 and dated 19.09.2009 have been made. Accordingly, the date of absorption and confirmation of the petitioner's husband is also rectified in deference with the recommendation of the Hon'ble S.C. Agarwal Commission. The date of absorption and confirmation in services of the husband of the petitioner has been revised from 11.09.1981 to 01.08.1977. In pursuant to the afore-noted notifications of the Magadh University, Bodh Gaya as contained in Memo No.G.S.1.D/14/2020 dated 12.02.2020, the Principal of the college vide his letter No. P28/21 dated 25.01.2021 has forwarded an application for considering the promotion of the petitioner's husband with effect from the revised date of confirmation of service from 01.08.1977, but, till



date, no consequential order and accrued benefit has been extended to her.

4. Learned Advocate for the petitioner further submitted that the notification was issued long back in the year 2020 and now more than five years have been lapsed, but, till date, the petitioner who is a widow of the erstwhile employee, being forced to move from pillar to post for the admissible benefits.

5. Learned Advocate for the University prays for a short adjournment to seek instruction and file a counter affidavit.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the materials available on record, specially the copy of the Memo No. G.S.1.D/14/2020 dated 12.02.2020 and that of the letter no. 528/2021 dated 25.01.2021, the present writ petition stands disposed off with a direction to the Registrar of the Magadh University, Bodh Gaya to consider the claim of the petitioner for which a representation has also been filed and kept on record as Annexure P/9 and pass an appropriate order extending all the consequential benefits, preferably within a period of ten weeks' from the date of receipt/production of a copy of this order, keeping in mind the recommendation of



Hon’ble S.C. Agarwal Commission and notification issued by the University.

7. Suffice it to observe that the petitioner is a widow and a septuagenarian, who has been running around the authorities for the last five years for her husband legitimate benefits and, as such, any delay in extending such consequential benefits, would be viewed sternly.

8. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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