

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14576 of 2015

Dr. Sunil Kumar Jha Son of Late Dineshwar Jha, Resident of village Post-Koili Nanpur, District- Sitamarhi at present resides at in front of Government of Polytechnic Pani Tanki, Kadirabad, P.S.- University Darbhanga, District-Darbhangha.

... .. Petitioner/s

Versus

1. The Kameshwar Singh Darbhanga Sanskrit University and Ors
2. The Vice Chancellor, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The State of Bihar through the Principal Secretary Department of Education, Govt. of Bihar, Patna.
5. The Director Higher Education Department of Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lalit Narayan Jha, Advocate
For the State	:	Mr. Pankaj Kumar Singh, AC to Ex- GA-9
For the University	:	Mr. Binay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 30-06-2026 Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The instant writ application has been filed seeking a direction upon the respondent authorities to pay the entire monetary benefits to the petitioner, together with interest thereon, on the promotional post of Reader (Associate Professor) with effect from 08.06.2009, on the ground that the decision to promote the petitioner had already been taken by the University vide Office Order dated 13.02.2012. The petitioner



has also prayed for such other relief(s) as he may be found entitled to in accordance with law.

3. Learned counsel for the petitioner submits that the petitioner's claim for promotion under the Career Advancement Scheme has not yet been duly considered by the competent authorities. It is further submitted that the controversy involved in the present case is covered by the directions issued by the Hon'ble Division Bench in *Sanjay Kumar & Anr. vs. State of Bihar & Ors.* (CWJC No. 19068 of 2019). In order to claim parity with the aforementioned case and appropriate consideration, the learned counsel states that the petitioner shall file a detailed representation along with all relevant supporting documents before the competent authority, and accordingly prays that a direction be issued for consideration and disposal of the same expeditiously, within a time frame to be fixed by this Court, strictly in the light of the directions issued in the aforesaid judgment, which are reproduced hereunder:

“ After the matter was heard for some time, learned counsel for the petitioners, under instruction, states that petitioners shall be content if a direction is issued to the respondent no. 3 Chancellor of Universities of Bihar, Raj Bhawan, Patna, through its Principal Secretary to consider and decide the representation which the petitioners



shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and



when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open; The petition stands disposed of in the aforesaid

terms.”

4. On the other hand, learned counsel for the University submits that the present writ application may be disposed of in terms similar to those directed by the Hon'ble Division Bench in the aforesaid case.

5. Having considered the submissions advanced on behalf of the parties, this Court directs that, upon the petitioner filing a detailed representation along with all relevant supporting documents before the competent authority within a period of four weeks from today, the grievance of the petitioner with regard to promotion under the Career Advancement Scheme and the consequential monetary benefits shall be considered and adjudicated strictly in the light of the directions issued by the Hon'ble Division Bench in the aforesaid case. In the event, the competent authority finds the petitioner's claim to



be genuine and holds him entitled to promotion, appropriate orders granting promotion, alongwith all consequential monetary benefits flowing therefrom, shall be extended within a period of three months from the date of receipt of such representation.

6. Accordingly, the instant writ application stands disposed of.

7. Pending I.A.(s), if any, stands disposed of.

(Ajit Kumar, J)

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