

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22397 of 2019

1. Dr. Navin Kumar Sharma son of late Ramsagar Sharma resident of mohalla-Nai Basti, Mahadeva, P.O., P.S. and District- Siwan.
2. Md. Imteyaz Hashim son of late Mohd. Hashim R/o. near Belal Mosque, M.M. Colony P.O., P.S. and District- Siwan.
3. Dr. Sangita Kumari daughter of late Shyambalak Sinha, W/o. Sri Akhileshwar Prasad R/o. Qr. No. D- 2/3, IGIMS, Shekhpura, P.S. Shastrinagar, town and district- Patna.
4. Dr. Pararvez Ahmad son of late Ainul Haque R/o. mohalla M.M. Colony, behind Cold Storage, P.O., P.S. and District- Siwan.
5. Dr. Mohammad Rashid Shibli son of Md. Arif Billah R/o. Rasid Complex, Ismail Shaheed Road, near Pani Tanki, P.O., P.S. and District- Siwan.
6. Md. Asdullah son of late Md. Saleemullah R/o. near Masjid, Railway Track, Laxmipur, Islamia Nagar, P.O., P.S. and District- Siwan.
7. Dr. Nayazul Haque son of late Ainul Haque Farooqui R/o. at and P.O. Bahadurpur Bazar, via- Barharia, P.S. and District- Siwan.
8. Dr. Shailesh Kumar Singh son of Sri Naulakh Singh R/o. Raghunath Market, Babunia More, at P.O., P.S. and District- Siwan.
9. Dr. Zafrullah son of late Kamuluddin Ahmad R/o. Ismail Shaheed (MM Colony), Mill Road, P.O., P.S. and District- Siwan.
10. Dr. Kalim Ghaffar Mian son of late Peer Mohammad Mian R/o. village-Singahi, P.S. Ander, P.O. Hussainganj, District- Siwan.
11. Dr. Shamim Akhtar Ansari son of Abdul Jabbar R/o. Islamia Nagar, Laxmipur, P.O., P.S. and District- Siwan.
12. Dr. Arvind Prakash Verma son of late Alakh Deo Narayan Verma R/o. Suklatoli near Hanuman Mandir, P.O., P.S. and District- Siwan.
13. S. Ziyanddin Ahmad son of late Mouli S. Gulmohammad Quadri R/o. village- Datanagar (Harihans), P.O. Harihans, P.S. town and District- Siwan.
14. Farooaue Azam Khan son of Haidar Ali Khan R/o. Asinagar, Nawalpur, (Naya Quila), P.O., P.S. and District- Siwan.
15. Dr. Md. Shahid son of late Momtaz Ahmad R/o. Mumtaz Market, Telhatta Bazar, P.O., P.S. and District- Siwan.
16. Dr. Brij Kishore Sinha son of late Ram Naresh Singh R/o. village and P.O.- Sikandarpur, P.S. GB Nagar, District- Siwan.
17. Tarique Mahmood Khan son of late Mahmood Ali Khan presently posted as Lecturer, Department of Political Science, Z.A. Islamia College, Siwan.
18. Awadhesh Kumar Pandey son of late Baidyanath Pandey R/o. village and P.O. Harihans, P.S. Hussainganj, town and District- Siwan.
19. Umesh Prasad Singh son of late Shubh Narayan Singh R/o. Bhatha Dasi, Basarha Vaishali, P.S. Basarha, District- Vaishali.
20. Mahmoodul Hassan Ansari son of Abdul Jabbar Ansari R/o. Koirigawan, Karbala Bazaar, P.O. and P.S. Barharia, District- Siwan.



21. Dr. Md. Mustaqueem son of late Mohammad Islam presently posted as Lecturer, Department of Physics, Z.A. Islamia College, Siwan.
22. Dr. Murari Singh son of late Jang Bahadur Singh R/o. C/o. Mahesh Prasad Roy, Chaaturbhuj Thakur Marg, Gannipur, P.O. Ramna, P.S. and District- Muzaffarpur.
23. Dr. Mohammad Alimullah son of Mohammad Kashim R/o. at, P.O. and P.S. Jiyay, District- Siwan.
24. Dr. Sunil Kumar Giri son of late Sukhdeo Giri R/o. Chhota Shiv Mandir, near Kachhari, Daak Bunglow Road, P.S. and town and District- Siwan.
25. Dr. Vijay Kumar son of Dr. Vishwanath Prasad Singh R/o. north of Gandhi Maidan, Nai Basti Mahadewa, P.S., town and District- Siwan.
26. Shamsuddin Ahmad son of late Mohammad Shazada R/o. MM Colony, P.O., P.S. and District- Siwan.
27. Mohamad Hasan son of late Mohamad Sayeed R/o. Piperpati, P.O. and P.S.- Baniapur, District- Saran.
28. Dr. Abdul Washim Khan son of late Abdul Rasid Khan R/o. at, P.O. and P.S. Manjhi, town and District- Saran.
29. Dr. Tanweer Ahmad son of late Quarimotiul Haque R/o. Ismail Shaheed Road, near Pani Tanki, Babunia Road, P.O. and P.S. and Siwan.
30. Qazi Mohammad Junaid son of late Qazi Mohammad Ataullah R/o. near Emanuel Convent School, Anand Nagar, P.O., P.S. and District- Siwan.
31. Dr. Azhar Hasnain Parwej son of late Md. Fasih-Uz-Zaman R/o. Nurani Haveli, Friends Colony, Mewa Sao Lane, Opposite Kaara School, Sultanganj, P.S. Sultanganj, town and District- Patna.
32. Dr. Rudra Pratap Shahi son of late Birendra Pratap Shahi R/o. Langerpura, P.O. and P.S. Mairwa, District- Siwan.
33. Dr. Sanjay Kumar son of late Chandramouli Prasad Singh R/o. C/o. H.P. Agrawal, Mission Compound, Mahadeva, District- Siwan.
34. Raghwendra Naraya Dhar son of late Ramesh Chandra Dhar R/o. Kumar Body Builder Gali, Rukunpura, P.S. Shastrinagar, town and District- Patna.
35. Anzum Ara daughter of Syed Ezaz Hussain, W/o. Mirza Wajahat Hussain R/o. Ismail Shaheed Road, Opposite Shining Star Public School, Ali Nagar Colony, Siwan.
36. Dr. Anuradha Agrawal daughter of Sri Hari Prasad Agrawal, W/o. Dr. Sanjay Kumar R/o. Mission Bajaj, Mission Compound, Mahadeva, Siwan.
37. Dr. Nalini Bhardwaj daughter of Sri Ravindra Nath Singh, W/o. Sri Indu Shekhar R/o. Village- Sendaar, P.O. Dayalpur, P.S. and District- Saran.
38. Dr. Akhlaque Ahmad son of late Wasi Ahmad R/o. Bahuara, P.O. Bahadur Bazar, P.S.- Baraharia, District- Siwan.
39. Mohammad Abul Kalam son of late Raza Hussain R/o. Village- Tirbirwan, P.O. Bhitbhirwan, District- Gopalganj.
40. Dr. Madhubala Kumari daughter of late Shukdeo Pandey, R/o. Gandhi Maidan (near Moti School), P.O., P.S. and District- Siwan.
41. Mosomat Sahabun Nisa @ Sahabun Nisa W/o. Late Mazid Ahmad R/o.



M.M. Colony, near Belal Maszeed, P.O., P.S. and District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
2. The Director, Higher Education, Education Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. Jai Prakash University, Chapra, through its Registrar.
4. The Registrar, Jai Prakash University, Chapra.
5. The Vice- Chancellor, Jai Prakash University, Chapra.
6. Z.A. Islamia College, Siwan, through its Secretary Sri Zafar Ahmad Ghani, Ahmad Ghani Nagar, Lakshmipur, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kr. Jha, Mr. Amresh, Mr. Saroj Kumar, Advocates.
For the Respondent/s	:	Smt. Abhanjali, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

6 27-01-2026 Heard learned counsel for the petitioners and learned
counsel appearing for the Respondents.

2. The present writ petition has been filed for the
following relief(s):-

*“For a direction on the
respondents to consider the case of
petitioners who are teachers of deficit grant
affiliated minority religious and linguistic
college, for promotion to the post of Reader
and University Professor with effect from
due date with all consequential benefits in
terms of provisions of the statute with regard*



to grant of time bound promotion approved by the Hon'ble Chancellor bearing BSU-20/92-2280/GS(1) dated 14.09.1992 which is still in force and has not been repealed.

ii) For any other relief/reliefs to which petitioners are found entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners by referring to the statute for Time Bound Promotion of Lecturers to the post of Readers and Promotion of Readers to the Post of University Professors of Affiliated Colleges including Religious and Linguistic Minority Colleges as approved by the Chancellor vide no. BSU-20/92-2280/GS(I)-dated 14.09.92 submits that the case of the petitioners for grant of appropriate promotions are required to be considered in terms of the said Statute, which has been brought into being under Section 52 of the Bihar Inter University Board Act, 1981, which issue has already been considered by the Co-ordinate Bench in ***CWJC No. 331 of 2018 (Z.A. Islamia College, Siwan v. The State of Bihar & Ors)*** wherein the Statute was considered and it has categorically been observed in the order by referring to the stand taken by the



Respondent No.6 (petitioner therein) that the Governing Body was not averse to the interest of the teachers and they are concerned with the interference in the administration of the College which is said to have been established and maintained by religious minority and has categorically acceded before this Court in the aforesaid case that the procedure prescribed for the purpose of appointment and other service conditions including promotion is required to be adhered by the Governing Body for considering the cases of all eligible teachers for grant of promotion in terms of the existing Time Bound Promotion Scheme and Career Advancement Scheme from the due dates as per their eligibility and other conditions which are found to be fulfilled by them.

4. The relevant extract of the observations and as also the findings, which are said to have been recorded by the Co-ordinate Bench is being reproduced as under:-

“18. During the course of hearing Mr. Abhinav Shrivastava admitted that the Governing Body is not averse to the interest of the teachers. They are concerned with the interference in the administration of the college which is established and maintained



by religious minority. His emphasis is on the procedure prescribed to be followed for the purpose of appointment and other service condition including the promotion. He fairly submitted that Governing Body will consider the case of all eligible teachers for grant of promotion in terms of the existing Time Bound Promotion Scheme and Career Advancement Scheme from due dates if the teachers answer the eligibility and other conditions for grant of such promotion.

19. While holding the action of the respondents granting promotion as without jurisdiction, the Court would like to direct the Governing Body to take appropriate decision with regard to all eligible for grant of promotion after approval of the Selection Committee by the University. The Court grants one month's time to the Governing Body to send the list of experts including subject experts to the University and the University is required to approve the



Selection Committee within a period of one month from the date of receipt of the list by the Governing Body of the College and within a period of 30 days thereafter the Governing Body may complete the process of scrutiny and other formalities for grant of promotion and within one month take appropriate decision with regard to grant of promotion from due date under Career Advancement Scheme or Time Bound Promotion Scheme.

20. As indicated hereinabove, the institution is minority institution and entire expenditure towards payment of salary of the teachers in the college is borne by the State exchequer. The Court hereby directs that after the grant of promotion by the Governing Body on the basis of the scrutiny and interview etc. by the Selection Committee, the University in its turn may take appropriate decision with regard to approval of grant of promotion within a



further period of 15 days from the date of receipt of such recommendation by the Selection Committee and thereafter the State Government is required to ensure payment of salary to the beneficiary of the promotion either under the Career Advancement Scheme or under the Time Bound Promotion Scheme, as the case may be within a further period of 60 days.

*21. Before I part with this judgment, I would like to remind all concerned to the settled proposition of law. The Chancery Court in the case of **Taylor Vs. Taylor: (1875) 1 Ch D 426** has held out that when the law requires a thing to be done in the manner prescribed then it has to be done in the manner prescribed. Any other mode of performance is forbidden by necessary implication. It is also settled that if statutory authority professes its action to be judged as per the professed norm, then any departure from the professed norms is*



only at the pain of invalidation as held out by Justice Frankfurter in Viteralli v. Seton which has been followed by series of judgment of the Supreme Court of India and other Courts.”

5. Learned counsel for the petitioners next submits that since the Governing Body of the College where these petitioners are working out of which the ***petitioners no. 3, 7, 10, 20, 23, 29, and 39*** have already been extended the benefits of Time Bound Promotion under the scheme in vogue, therefore, learned counsel does not have any instruction to press the claim for promotion in respect of these petitioners and accordingly, no order would be required in their cases.

6. On the other hand, learned counsel for the Jai Prakash University, Chapra by referring to the stand taken in the counter affidavit submits that with the resolution of Bihar College Service Commission and its functions having vested in the Selection Committee of the University and as also there being Statutes put in place with the recommendation of Bihar Inter University Board and the State Government, the Statutes for Time Bound Promotion of Lecturers to the post of Readers and Promotion of Readers to the Post of University Professors



of Affiliated Colleges including Religious and Linguistic Minority Colleges, the cases of these petitioners are required to be considered strictly in consonance with the judgment rendered by the Co-ordinate Bench in the case of ***Z.A. Islamia College (supra)*** and this Court may direct their cases to be considered strictly in consonance with the parametres prescribed including the time frame so given and the authorities are legally bound to comply with such directions, in case these petitioners are found eligible for such promotion.

7. Learned counsel representing Z.A. Islamia College/Respondent No. 6 has appeared through notice but has chosen not to file their response in the last six years and the learned counsel representing Respondent no.6 fairly submits that they have no reason to take a divergent view and as also the stand which has been taken by the Governing Body of the College, before this Court in ***CWJC No. 331 of 2018***. Learned counsel further submits that since the stand of the College has already been recorded in the order dated 25.07.2019 passed in ***CWJC No. 331 of 2018***, therefore, the authorities of the College are legally duty bound to abide by the directions given in this case.

8. Learned counsel for the State fairly submits that



the issues have already been adjudicated and the Statutes for taking care of the promotions of affiliated College are already put in place, therefore, the University as well as College are legally bound to comply the same.

9. Considering the submissions of the parties, this Court is of the view that since the Co-ordinate Bench has already adjudicated the issues at hand and appropriate directions have already been issued to the Governing Body to take appropriate decision with regard to the grant of promotions to all eligible persons, after obtaining approval by the Selection Committee of the University and as also the procedures referred in the order dated 25.07.2019, would be required to be strictly adhered by them for ensuring promotions under the Scheme, and accordingly, this Court directs the Respondents No.6 to carry out the exercise in similar terms and adjudicate the claim of the petitioners within a period of three months.

10. It goes without saying that if these petitioners have got recommendation in their favour by the Selection Committee, then the authorities of the College would be required to proceed in accordance with law for granting the promotions and necessary action, which is required to be taken at the end of University shall also be complied with, by adhering



to the parameters, so prescribed in the order dated 25.07.2019 including the timeline so indicated. The consequential benefits shall also be extended to the petitioners.

11. In case, such requisitions of funds are made to the State Government, then the appropriate steps shall also be taken by the authorities for doing needful in the matter in accordance with law.

12. The instant writ petition, with the aforesaid observations and directions, stand disposed of.

(Ajit Kumar, J)

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