
(2004) 08 JH CK 0021

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1895 of 2002

Anirudh Dayal

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-08-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 2 JCR 74a

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : Ajit Kumar and M.K. Sinha, for the Appellant; Arvind Kumar Mehta, J.C. to S.C.II, Rajesh Kumar, Sanjay Piprawall, for the Respondent

Judgement

Tapen Sen, J.—Heard Mr. Ajit Kumar, learned counsel for the petitioner; Mr. Rajesh Kumar, learned counsel appearing for the Respondent Nos. 4 and 5; Mr. Arvind Kumar Mehta, learned counsel for the Respondent Nos. 1 and 3; and Mr. Sanjay Piprawall, learned counsel appearing for the Respondent No. 7 and with their consent this Writ Petition is being disposed off.

2. At the outset Mr. Ajit Kumar, learned counsel for the Petitioner submits that he may be allowed to delete the name of Respondent No. 6, as he has got nothing to do with this case.

3. The claim of the Petitioner is for a direction upon the concerned authority to promote the Petitioner from the post of Lecturer to the post of a Reader as he has already been screened by a Selection Committee constituted by the University and also because that Committee had recommended the name of the petitioner on 19.6.2001. The grievance of the Petitioner, amongst others, is that other Lecturers, some of whom, were even junior to him, have been promoted to the post of Readers without taking into consideration the case of the Petitioner.

4. A Counter Affidavit on behalf of the Respondent Nos. 4 and 5 (beginning at running page 35) shows at paragraph 10 that these Respondents, namely, the

Vice-Chancellor and the Registrar of the University, have admitted that the Petitioner is entitled for his time bound promotion with effect from 7.3.1993 and that no sooner the Commission gives its concurrence, the promotion of the Petitioner would become effective from that date.

5. The Counter Affidavit of the Commissioner (Respondent No. 7) on the other hand also discloses at paragraph 3 that the Jharkhand Public Service Commissioner has recommended the name of the Petitioner along with other eligible candidates for the promotion to the post of Reader and that recommendation was being sent to the concerned authority.

6. The affidavit of Commission is specific on the issue that there has been a recommendation and that the same has been sent, but it is not at all specific as to when was it sent. However, Mr. Sanjay Piprawall states emphatically in Court that the re-recommendations has already been despatched and sent and it should be reaching the University any moment/any day.

7. Taking the aforesaid statements of the respective Respondents made in their respective Counter Affidavits, this Court is therefore obviously faced with a situation where it notices specific admission being made both by the University and by the Commission. Consequently, there is no justification in delaying this matter any further. Accordingly, this Court considers it appropriate to direct the authorities concerned to act, strictly in accordance within their statements made before this Court and grant promotion to the Petitioner acting in accordance with the recommendations made with all consequential benefits.

8. The Writ Petition stands disposed off. There shall, however, be no order as to costs.