
(2001) 05 JH CK 0036
In the Jharkhand High Court
Case No : CWJC No. 616 of 2000

Baleshwar Prasad Singh and Others	Vs	APPELLANT
Ranchi University, Ranchi and Others		RESPONDENT

Date of Decision : 10-05-2001

Acts Referred:

Citation : (2001) 05 JH CK 0036

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : A. Allam, for the Appellant; A.K. Mehta, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—Heard Mr. A. Allam, learned counsel for the petitioners and Mr. A.K. Mehta, learned counsel for the respondent-University.

2. In this writ application the petitioners who are 20 in number, have prayed for quashing the order dated 18.1.2000 issued under the signature of Vice-Chancellor, Ranchi University, whereby the petitioners have been reverted from Their present post to the next lower post.

3. Petitioners' case is that all the petitioners were appointed in between 1961-1985 in the post of assistants or other non-teaching post. Time to time they were given promotion to higher post. It is contended that on the basis of a letter dated 17.1.1983 issued by the State Government, the petitioners were again given promotion to the higher post. However, all on a sudden, by the impugned order dated 18.1.2000, the petitioners have been reverted back to the lower post. Grievance of the petitioners is that the impugned order of reversion was passed without giving any show-cause notice and opportunity of hearing to the petitioners.

4. In the counter-affidavit filed by the respondent-University, it is stated, inter alia, that the letter dated 17.1.1983 is the basis of appointment/promotion of the

petitioners and the said letter has been declared non-existent and fake by the Government. The respondents-University, in the light of the direction of the State Government as contained in the letters dated 30.1.1999 and 28.12.199, had no option but to terminate/demote the petitioners. For better appreciation the impugned order as contained in Annexure 22 series is reproduced hereinbelow :--

"RANCHI UNIVERSITY, RANCHI

MEMO NO. RU/R/3137 DATE : 18.1.2000

OFFICE ORDER

In pursuance of the State Government Letter No. 15/M/138/98-2255. dated 28.12.1999, the Vice-chancellor has been pleased to send back Sri/Smt. Baleshwar Prasad Singh from present post of Sectional Officer to the post of Special Assistant which he/she was holding prior to his/her promotion.

He/She is permitted to draw his/her salary provisionally to the maximum of the pay scale prescribed by the State Government under the approved budget 1999-2000 subject to adjustment, if any, till the final fixation is made.

In case of any grievance, he is directed to represent his case within a fortnight. By Order of the Vice-Chancellor

Sd/- (P.P. Verma) Registrar. Ranchi University, Ranchi."

5. It is not disputed by the respondent-University that before passing the order of reversion neither any show-cause notice was issued nor any opportunity of hearing was given to the petitioners.

6. A similar question has been decided by me in CWJC No. 439/2000 (R), Judgment delivered today. In my opinion, this case is squarely covered by the judgment passed in the aforesaid writ application.

7. This writ application is, therefore, allowed and the impugned orders of reversion of the petitioners is quashed. The matter is remitted back to the Vice-Chancellor of the Ranchi University with a direction to pass a fresh order after giving reasonable opportunity of hearing to the petitioners.

8. Application allowed.