
(2009) 12 JH CK 0066
In the Jharkhand High Court

Dipendu Kumar Mitra

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 15-12-2009

Acts Referred:

Citation : (2009) 12 JH CK 0066

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Learned Counsel for the petitioner is permitted to add the Chancellor of Universities of Jharkhand as Party-respondent No. 6 in this, application.

2. The prayer of the petitioner in the main writ petition is for a direction to the Respondents to regularize him to the post of Demonstrator from 01.02.1975 and to promote him to the post of Lecturer with effect from 07.12.1990, the date on which he enhanced his qualification by passing M.Sc. Examination in First Class securing first position and to give him all consequential monetary benefits. The claim of the petitioner is that he was initially appointed on 01.02.1975 as a Demonstrator on temporary basis by the Governing Body of P.K. Roy Memorial College at Dhanbad till regular appointment on the said post is made. In view of the fact that the post of Demonstrator was subsequently abolished, and as such, the petitioner, who was working on the post of Demonstrator in the said college, was re-appointed as Lab-Technician in the Department of Chemistry in that very college for a period of six months by issue of Annexure -2 Dated 3.11.1976. He claims that by issue of Annexure-2/1, that is the Resolution of the Governing Body dated 7.5.1977, he was absorbed in the college on permanent basis as Lab Technician. The petitioner further claims that in view of the decision of the Syndicate dated 19.12.1981 as contained in Annexure-4 to the writ petition, he was entitled to re-designated as Demonstrator from the date he was initially appointed as Demonstrator i.e. 01.02.1975. His grievance is though his case was forwarded by the University to the State Government for re-designating him as

Demonstrator from the date 01.02.1975, but, by issue of Annexure-29, dated 28.9.2007, the Government of Jharkhand, Department of Human Resources (Higher Education) has re-designated the petitioner as Demonstrator from. 01.08.1993, though he should have been designated as Demonstrator from 01.02.1975. The petitioner states that he filed a representation before the Chancellor stating detail about his claim, but no order on his representation has been passed. In view of the fact that the petitioner has already approached the Chancellor of the Universities for redressal of his grievance, therefore, it is desirable that the Chancellor may take a decision in the matter after giving opportunity to the petitioner of hearing.

3. Accordingly, this writ petition is being disposed of, without going into the merit of the case of the parties, by giving liberty to the petitioner to file a fresh representation stating detail about his claim and grievance along with supporting documents, if any, within a period of two weeks from today before the Chancellor of Universities. If such a representation is filed by the petitioner before the Chancellor of Universities, it is expected that the Chancellor of Universities may consider and decide the issue raised by the petitioner in his representation, as expeditiously as possible.