
(2021) 02 JH CK 0062
In the Jharkhand High Court
Case No : Writ Petition(S) No. 4233 Of 2020

Dr. Anil Kumar Barnwal

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 05-02-2021

Acts Referred:

Jharkhand State Universities Act, 2000 — Section 4(1)(14)

Citation : (2021) 02 JH CK 0062

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Prem Pujari Roy, Ashish Kumar, Pravin Pandey, Mithilesh Singh

Final Decision : Disposed Of

Judgement

1. Heard Mr. Prem Pujari Roy, the learned counsel for the petitioner, Mr. Ashish Kumar, the learned counsel for the respondent State, Mr. Pravin

Pandey, the learned counsel for the respondent JPSC and Mr. Mithilesh Singh, the learned counsel for the respondent University.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising

due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been

heard.

3. The petitioner has preferred this writ petition for direction upon the respondents to grant him promotion from the post of Lecturer (Assistant

Professor) to the post of Lecturer (Senior Scale) and further to the post of Reader (Associate Professor)/Selection Grade, under the Statute Career

Advancement Scheme-I.

4. The petitioner was appointed as a Lecturer in the Department of Physics in Adarsh College, Rajdhanwar vide letter dated 07.10.1985 and he joined on the said post on 08.10.1985 and since then he was working as a Lecturer in the said college continuously without any break in service. Pursuant to the direction issued by the Director, Higher Education vide letter dated 03.12.2008, the Vice Chancellor while exercising his power under Section 4(1) (14) of the Jharkhand State Universities Act, 2000 has absorbed the services of the petitioner vide letter dated 27.09.2011 against the post sanctioned by the Government of Jharkhand. The services were earlier absorbed against the recommended post identified under Annexure-II of the report of the Justice S.C. Agrawal Commission in light of the order passed by the Hon'ble Supreme Court.
5. Mr. Prem Pujari Roy, learned counsel for the petitioner submits that the respondent-University has already recommended the name of the petitioner for promotion vide letter dated 29.06.2020, contained in Annexure-2 of this writ petition and now the respondent-JPSC is required to consider the case of the petitioner and pass appropriate order.
6. Mr. Mithilesh Singh, learned counsel for the respondent-University accepts this position that the recommendation is already there.
7. Mr. Pravin Pandey, learned counsel for the respondent-JPSC submits that the recommendation is already there. However, the respondent-University may forward it again to the JPSC for the needful.
8. In view of the above facts and considering the submission of the learned counsel for the parties, the respondent-University is directed to again forward the letter dated 29.06.2020, contained in Annexure-2 of the writ petition to the respondent-JPSC within a period of three weeks. After receiving such recommendation, the respondent-JPSC will consider the case of the petitioner and take a decision in accordance with rules, regulations and guidelines within a period of twelve weeks.
9. With the above observations and directions, this writ petition stands disposed of.