
(2016) 10 JH CK 0020
In the Jharkhand High Court
Case No : W.P.(S) No. 5325 of 2014

Dr. Jasbir Bagga

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 26-10-2016

Acts Referred:

Citation : (2017) 2 JBCJ 58

Hon'ble Judges : Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mr. Rishi Pallava, Advocate, for the Petitioner; Ms. Ruchi Rampuria, JC to Sr. S.C.-I, for the State; Dr. Ashok Kumar Singh, Advocate, for the University

Final Decision : Allowed

Judgement

Shree Chandrashekhar, J.—The grievance of the petitioner is that she has not been promoted to the post of Reader under Merit Promotion scheme, though, he possesses the requisite qualification.

2. Heard.

3. The petitioner, who joined the post of Lecturer in S.S.J.S.N. College, Garhwa on 03.02.1986, has pleaded that she was confirmed in service from the date of joining and her appointment as Lecturer on the second post of Botany was concurred by the Bihar College Service Commission, vide letter dated 27.02.1988. The college, which was a government affiliated college, was made a constituent college of Ranchi University with effect from 31.03.1987. Subsequently, 2nd post of Lecturer in Botany was regularized and after the decision of the Hon'ble Supreme Court in Civil Appeal No.6098/1997, petitioner was absorbed provisionally, in the service of Ranchi University with effect from 01.04.1988. In the year 2009, Nilambar Pitambar University was created and S.S.J.S.N. College came within the said University. The petitioner has asserted that on 08.12.2010 he submitted application for promotion under Merit

Promotion scheme which was forwarded by the Professor In-charge of Ganesh Lal Agarwal College, Medininagar, where he was transferred on deputation from S.S.J.S.N. College, Garhwa.

4. The respondent-Nilambar Pitambar University has filed a counter-affidavit stating that absorption of teachers can be done only on recommendation of Jharkhand Public Service Commission and, in fact, the decision by the Syndicate of Ranchi University, in its meeting held on 25/26-09-1998 to regularize the services of the petitioner, was purely provisional. However, pursuant to letter dated 25.07.2012 from J.P.S.C, the respondent-Nilambar Pitambar University has sent proposals for confirmation of service of the petitioner and other similarly situated teachers to the Director, Higher Education for concurrence.

5. Considering the fact that claim of the petitioner for promotion to the post of Reader can be considered only after her appointment is regularized, I am of the opinion that only direction which can be issued at this stage is for taking a decision in the matter, expeditiously. In the supplementary counter-affidavit the respondent nos.2 and 3 have asserted that in spite of several communications to the Director, Department of Higher, Technical and Skill Development, no response so far has been received. The last communication was sent on 11.09.2016 vide Annexure-"C".

6. Accordingly, the Director, Department of Higher, Technical and Skill Development is directed to take a decision in the matter within six weeks of receiving a copy of this order. Thereafter, the Registrar, Nilambar Pitambar University-respondent no.3 shall take necessary steps for concurrence of J.P.S.C. It is expected that J.P.S.C would also take a decision in the matter within two months after receiving the proposal seeking concurrence to the appointment of the petitioner and others. On receiving concurrence of J.P.S.C, respondent no.3 shall take necessary steps for grant of promotion to the eligible Lecturers on the post of Reader, in accordance with the statute for Merit Promotion, within next three months.

7. The writ-petition stands allowed, to the aforesaid extent.