
(2004) 09 JH CK 0063
In the Jharkhand High Court
Case No : WP (S) No. 5214 of 2004

Dr. (Mrs.) Maya Prasad

APPELLANT

Vs

Ranchi University and Others

RESPONDENT

Date of Decision : 29-09-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 4 JCR 706

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.

Bench : Single Bench

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

Judgement

S.J. Mukhopadhaya, A.C.J.

1. This application has been preferred by petitioner for direction on respondents to consider her case for promotion to the post of University Professor with effect from 1.9.1989 in terms of the order passed by Supreme Court in the case of Patna University and Others Vs. Awadh Kishore Pd. Yadav and Others, .

2. According to petitioner, she was appointed as a Lecturer in the department of Hindi in S.S.L.N.T. Manila Mahavidyalaya, Dhanbad where she joined on 1.8.1972. On completion of 13 years of continuance service she was given promotion to the next higher post of Reader in the year 1985. Subsequently, she was promoted to the post of University Professor along with other similarly situated persons vide order dated 1.9.1989 but, latter on, it was cancelled on the ground that the order of promotion was ad hoc/provisional in nature and no recommendation was made by the Screening Committee of the Ranchi University/ University Service Commission. It appears that similar matter fell for consideration before the Supreme Court in the case of Patna University and Others Vs. Awadh Kishore Pd. Yadav and Others, wherein the Supreme Court issued certain direction for reconsideration of the cases of the appellants of the said case for promotion to the higher post. In the present case it is to be

determined whether the petitioner is a teacher under the Ranchi University, Ranchi and thereby, whether she is eligible for the benefit of promotion to the post of Professor with effect from 1.9.1989 in terms with the decision of the Supreme Court in Patna University v. Awadh Kishore Prasad Yadav, (supra). As it is for the authorities to determine firstly, instead of asking to file counter affidavit, the case is remitted with liberty to the petitioner to bring the matter to the notice to the Vice Chancellor, Ranchi University, Ranchi. The petitioner will file a fresh representation giving details of her service career and will also enclose copy of the reported decision in the case of Patna University v. Awadh Kishore Prasad Yadav, (supra). The Vice Chancellor, Ranchi University in his turn will consider the representation and decide the issue as referred above. If it is found that the petitioner is eligible for consideration of her case in terms with the decision of the Supreme Court then the authority will refer her case to the concerned Commission to find out whether she is fit for promotion to the post of Professor with effect from 1.9.1989 and will pass appropriate order within a period of one month from the date of receipt of such recommendation. The Vice Chancellor is expected to complete the total procedure so that the final decision may be taken within six months from the date of representation. If any adverse decision is taken the authority will communicate the ground to the petitioner.

3. It may be mentioned that this court has not decided the issue whether the petitioner is entitled for the benefit as claimed by her or not.

4. This writ petition stands disposed of with the aforesaid observations/directions.