
(2000) 02 PAT CK 0037
In the Patna High Court
Case No : C.W.J.C. No. 11171 of 1998

Mithilesh Kumar Sinha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 15-02-2000

Acts Referred:

Citation : (2000) 2 PLJR 305

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

Bench : Single Bench

Advocate : Vivek Singh, for the Appellant; B.K. Jha, S.C. Jha for T.M. Bhagalpur University, Yugal Kishore, Surya Bhushan for University Service Commission and J.P. Kishore, for State, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—Heard the counsel for the Petitioner, State University and the Bihar State University Service Commission.

2. As the case can be disposed of on short point, it is not necessary to discuss all the facts, except the relevant one. Further, in view of order this Court intends to pass, it is not necessary to hear the private Respondents at this stage.

3. The Petitioner since his appointment made on 1st August, 1964 was functioning as Lecturer (Physics) under the T.M. Bhagalpur University and subsequently promoted as Reader on 14th November, 1980. According to him, he is eligible for promotion to the next higher post of University Professor under 16 years Time Bound Promotion Scheme.

4. Grievance has been made that while others have been promoted, the Petitioner has not been granted such promotion to the higher post of Professor from due date.

5. The University in their counter affidavit took plea that the case of the Petitioner was earlier considered by Screening Committee thrice, who rejected the claim of the Petitioner. The University Service Commission have taken plea

that they had requested the University to show reason for rejection of such candidature of Petitioner and others.

6. In spite of time granted by this Court on 22nd December, 99, the University has not filed supplementary counter affidavit showing ground for such rejection. The counsel for the University states that the Screening Committee rejected the said claim without assigning any reason, and thereby no reason can be given for such rejection.

7. In the facts and circumstances, no reason having given by the Screening Committee, I feel that the matter requires reconsideration.

8. The case is, accordingly, remitted to the University to place the case of Petitioner before the Screening Committee for consideration of his case for promotion to the post of Professor under 16 years Time bound scheme.

9. The Vice Chancellor of the University will take steps and place the matter before the Screening Committee. Final decision, in this respect, be taken and communicated to the University Service Commission within three months from the date of receipt/production of a copy of this order.

10. If the Screening Committee rejects the claim of one or other candidate(s), they will have to give specific reason for the same.

11. It is needless to say that if the recommendation is made in favour of the Petitioner, the University Service Commission will pass appropriate order on the same, on an early date, but not later than a period of two months from the date of receipt of such recommendation.

12. The writ petition stands disposed of with the aforesaid observations and directions.