

(2004) 04 JH CK 0002
In the Jharkhand High Court
Case No : C.W.J.C. No. 10673 of 2000 (P)

Smt. Krishna Roy

APPELLANT

Vs

The Vice-Chancellor, Sidhu Kanhu University and Others

RESPONDENT

Date of Decision : 16-04-2004

Acts Referred:

Constitution of India, 1950 — Article 226
Jharkhand State Universities (Amendment) Act, 2002 — Section 35, 58

Citation : (2004) 2 JCR 465

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : P.K. Bhowmik, N.C. Ganguli and Umesh Pathak, for the Appellant;
M.S. Anwar, for the Respondent

Judgement

Tapen Sen, J.—The petitioner in the instant case prays inter alia for promotion to the post of Reader/Professor in Economics on the basis of the statutes relating to promotion of reader/professors. According to the petitioner, she is working as a Lecturer in Economic in the A.S. College, Stasang at Deoghar for thirty years and is eligible for being promoted on the basis of the statutes framed by the University.

2. It would be relevant to note that the petitioner had earlier moved the Patna High Court vide C.W.J.C. No. 3029 of 1993 which was dismissed by a Division Bench by order dated 25.1.1995, giving liberty to the petitioner to file a representation and the respondents were given three months time to dispose off the same by a speaking order. At paragraph 8 of the counter affidavit it has been stated that pursuant to the aforesaid order, the petitioner filed a representation on 24.4.1995, and after considering the same, the University decided to pay the due amount of arrears till full amount was not received from the State Government. So far as her Promotion was concerned, it was stated in the same paragraph that the same is pending with the then Bhagalpur University, Bhagalpur and the case of the petitioner will be considered when necessary

informations are furnished by the jharkhand public Service Commission for purposes of scrutiny of the candidates who are found fit for promotion.

3. It is not necessary to go into the other details because in the Amendment Application filed by the writ petitioner, a document has been brought on record vide Annexure 8 thereto and it is a letter No. 49 written by the Deputy Secretary, Higher Education to Registrar, Sidhu Kanhu University, Dumka. This, document relates to the previous pay fixation in the U.G.C. Scale of various teaching staff of the University and the name of the petitioner has been mentioned at Sl. No. 15 thereof. Column No. 6 of the chart shows that the concerned authorities have mentioned that the "admissible" date of promotion is 1.2.1985. In other words, it appears from this document that the petitioner is entitled for promotion from 1.2.1985, Mr. M.S. Anwar, learned counsel appearing for the University has stated that in view of the amendment brought about in Section 35 of the Jharkhand State Universities (Amendment) Act, 2002 it is the State Government which has to furnish the list of experts to the University for purposes of scrutiny of eligible teachers so that they can be given time bound promotion. It appears that initially under the provisions of Section 58(8), it was the Vice-Chancellor who had the power to select candidates for appointment in consultation with the Public Service Commission, but such selection was to be made from the panel/list prepared by the Inter University Board. However, by reason of Section 35 of the Jharkhand State Universities (Amendment) Act. 2002, the words "Inter University Board" has been substituted and the words "Directorate of Higher Education, Government of Jharkhand" has been inserted. In that view of the matter and taking note of the document brought on record vide Annexure 8, this Court considers it apt and appropriate to direct the Director, Higher Education, Government of Jharkhand to look into the matter and if it is mandatory for the Government to send the list of experts to the University for constitution of a Screening Committee, then he shall supply such list to the University within a period of four months from the date of production/receipt of a copy of this order. Upon receipt of the same the University in its turn, shall do the needful in accordance with law and in accordance with the relevant statutes. The University shall complete the process within another period of four months from the date of receipt of the list indicated above. Let it be recorded that the salary sheets which have been brought on record by the petitioner vide Annexures 9 and 10 appended to supplementary affidavit filed on 15.4.2004, were issued by the University describing the petitioner as a Reader in Economics. Similarly a certificate has been issued by the Principal of A.S. College, Deoghar describing the petitioner again as a Reader. This fact will be duly taken note of by the University at the time of doing the needful as indicated above. The writ petition stands disposed off. There shall however be no order as to costs. Whatever salary the petitioner is receiving at the moment will not be disturbed till the matter is finalized by the University as indicated above.