

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P. (S) No. 5615 of 2019**

Dr. Vijay Kumar, aged about 64 years, Son of Shri Vishnu Prasad, resident of Amrit Nagar, P.O. Karrah, P.S. Muffosil, District- Hazaribagh/ Jharkhand  
... **Petitioner**

**-Versus-**

1. State of Jharkhand, Secretary, Departmental of Human Resource, Govt. of Jharkhand, Project Building, P.O. Dhurwa, P.S. Jagarnathpur, District- Ranchi-834004
2. Vinoba Bhave University, Hazaribagh through its Registrar, P.O. Hazaribagh, P.S. Hazaribagh, District- Hazaribagh/State Jharkhand
3. Vice Chancellor, Vinoba Bhave University, Hazaribagh, P.O. Hazaribagh, P.S. Hazaribagh, District- Hazaribagh/ Jharkhand
4. Registrar, Vinoba Bhave University, Hazaribagh, P.O. Hazaribagh, P.S. Hazaribagh, District- Hazaribagh/ Jharkhand  
... **Respondents**

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioner : Mr. Saurav Arun, Advocate  
For the Respondent-State : Mr. Prakash Chandra Roy, S.C. (L&C)-I  
For the Respondent-University : Mrs. Indrani Sen Choudhary, Advocate

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02/29.06.2020. Heard Mr. Saurav Arun, learned counsel for the petitioner, Mr. Prakash Chandra Roy, learned counsel for the respondent-State and Mrs. Indrani Sen Choudhary, learned counsel for the respondent-Vinoba Bhave University.

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 on merit.

The petitioner has preferred this writ petition for quashing the part of letter dated 22.05.2019 so far it relates to the petitioner by which the claim of the petitioner has not been considered for promotion under the Statute of Time Bound Promotion due to cut-off date.

Mr. Saurav Arun, learned counsel for the petitioner submits that the case of others persons have been considered and recommended for promotion under the Statute of 8 years merit promotion scheme and without considering the case of

the petitioner, that order has been passed and in that view of the matter, he is challenging the part of letter dated 22.05.2019. He further submits that the petitioner has earlier moved before this Court in W.P. (S) No. 1442 of 2013 along with other persons for consideration of their case under the Statute of Time Bound Promotion after shifting the date of observation in terms of S.C. Aggrawal Commission Report. He also submits that the said writ petition was disposed of vide order dated 01.05.2017, wherein, it has been held that the date of appointment mentioned in S.C. Aggrawal Commission Report is full and final and accordingly considered by the Committee for issuance of notification. Mr. Saurav Arun, learned counsel for the petitioner draws attention of this Court to Annexure-3 to the writ petition which is the letter issued under the signature of the Registrar, Vinoba Bhave University dated 22.05.2019 and submits that although the petitioner was one of the petitioners in earlier writ petition, but at Annexure-3, the case of the petitioner was not considered and that is why now the respondent-University has come forward with letter dated 28.05.2020 calling the document of the petitioner for considering the case of the petitioner for promotion. The letter dated 28.05.2020 is annexed at Annexure-1 to the supplementary affidavit filed by the petitioner. He further submits that in view of the letter dated 28.05.2020, this writ petition can be disposed of with direction to the respondent-University to consider the case of the petitioner in light of the earlier observations made by this Court in W.P. (S) No. 1442 of 2013 (*supra*).

Mrs. Indrani Sen Choudhary, learned counsel for the respondent-University by way of referring "Statute regarding merit promotion of Lecturers" submits that it requires to be sent for objective evaluation by Experts in the subject/areas concerned. She further submits that this writ petition may not be disposed of with fixing any particular time frame for considering the case as it is required to be

evaluated by the Expert Committee. She also submits that after receiving the report from Expert Committee, the University will take a decision in accordance with law, rules, procedure and guidelines for such promotion. She further submits that it will take certain time.

Mr. Prakash Chandra Roy, learned counsel for the respondent-State submits that the State has got no serious role in this writ petition.

This Court has perused the letter dated 28.05.2020, whereby, decision has been taken by the University for consideration of the case of the petitioner. This Court further finds that there is already observation of this Court in earlier round of litigation, whereby, the case of the petitioner was needed to be considered, whereas, the petitioner has been left out and the case of other two persons has been considered.

In view of the above facts, this writ petition is being disposed of with direction to the respondent-University to consider the case of the petitioner and take a decision in light of the rules, regulations and guidelines of the University as well as the precedent, as early as possible, but not later than twelve weeks from the date of receipt/production of a copy of this order.

With the above observations and directions, this writ petition stands disposed of.

**(Sanjay Kumar Dwivedi, J.)**