

Dr Ms Nusrat Tauheed Vs. Human Resources Department

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Court : Jharkhand

Decided On : May-01-2017

Appellant : Dr Ms Nusrat Tauheed

Respondent : Human Resources Department

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 3375 of 2016
DUKHU RAM KUIRY, S/O LATE KANCHAN KUIRY R/O HOUSE OF RAMESH
BIRNA TAMBO CHOWK COLLEGE MORE CHAIBASA PO CHAIBASA PS
MUFFASIL DIST WEST SINGHBHUM PETITIONER VERSUS1 THE STATE
OF JHAKRHAND THROUGH ITS SECRETARY, HIGHER AND TECHNICAL
EDUCATION DEPARTMENT GOVT OF JHAKRHAND NEPAL HOUSE
DORANDA PO AND PS DORANDA DIST RANCHI2 KOLHAN UNIVERSITY
CHAIBASA, A UNIVERSITY INCORPORATED UNDER SECTION 3 OF THE
JHARKHAND STATE UNIVEFRSITES ACT, 2000 HAVING ITS OFFICE AT
CHAIBASA PO AND PS CHAIBASA DIST WEST SINGHBHUM THROUGH ITS
VICE CHANCELLOR3 REGISTRAR KOLHAN UNIVERSITY, CHAIBASA DIST
WEST SINGHBHUM

4. JHARKAHND PUBLIC SERVICE COMMISSION CIRCULAR ROAD RANCHI
PO G P O PS KOTWALI DIST RANCHI THROUGH ITS SECRETARY
RESPONDENTS WITH W.P.(S) NO. 4846 OF 2007

1. ARUN KUMAR SINGH, SON OF LATE BISHUNDEO SINHA, R/O VILLAGEBARHARWA, PO&PSBARHARWA, DISTRICT SAHEBGANJ2 DINESH NARAYAN VERMA, SON OF SRI LAXMI NARAYAN VERMA, R/O SONUA DANGAL, RASIKPUR, PO&PSDUMKA, DISTRICTDUMKA PETITIONERS VERSUS1 THE STATE OF JHARKHAND2 SECRETARY, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, GOVERNMENT OF JHARKHAND, RANCHI3 JOINT SECRETARY TO THE GOVERNMENT, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, JHARKHAND, RANCHI4 VICE CHANCELLOR, SIDO KANHU MURMU UNIVERSITY, DUMKA5 REGISTRAR, SIDO KANHU MURMU UNIVERSITY, DUMKA RESPONDENTS WITH W.P.(S) NO. 2098 OF 2008 DR. YOGENDRA ROY, SON OF LATE RAM DUTTA ROY, R/O H/89 ARGORA HOUSING COLONY, PODORANDA, PSARGORA, DISTRICTRANCHI PETITIONER VERSUS21. RANCHI UNIVERSITY, RANCHI THROUGH ITS VICECHANCELLOR2 THE REGISTRAR, RANCHI UNIVERSITY RANCHI3 JHARKHAND PUBLIC SERVICE COMMISSION, RANCHI THROUGH ITS CHAIRMAN4 BIHAR STATE UNIVERSITY (CONSTITUTENT COLLEGES) SERVICE COMMISSION PATNA THROUGH ITS CHAIRMAN RESPONDENTS WITH W.P.(S) NO. 4657 OF 2009

1. GORA ORAON, S/O LATE PORSHA ORAON R/O PILKHI MORE, SISAI PO AND PS SISAI, DIST RANCHI2 SHEO SHANKAR TIWARY, S/O LATE SHEO KUMAR TIWARY AT PRESENT RESIDING AT KHUDRA MORE SISAI PO AND PS SISAI DIST RANCHI

3. DR RAM LAL SAHU S/O LATE SIDARTHA SHANKAR SAHU R/O BIR KUNWAR SINGH COLONY D S P ROAD GUMLA PO PS AND DIST GUMLA

4. DR MAZHAR IMAM S/O LATE SHEIKH IMAMUDDIN R/O ITKI PO AND PS ITKI DIST RANCHI

5. LAXMAN SAHU, S/O LATE CHUNNI SAHU PRESENTLY RESIDING AT CHARDA ROAD SISAI PO AND PS SISAI DISTRICT RANCHI

5. DR RAJENDRA TIWARI, S/O SRI RAMDEO TIWARI R/OBERO PO AND PS BERO DIST RANCHI PRESENTLY POSTED AS A LECTURER IN THE

DEPARTMENT OF PHILOSOPHY KARAMCHAND BHAGAT COLLEGE BERO ...
... PETITIONERS VERSUS¹ RANCHI UNIVERSITY, RANCHI THROUGH ITS
VICECHANCELLOR, PO&PSRANCHI, DISTRICTRANCHI² THE
REGISTRAR,RANCHI UNIVERSITY RANCHI PO PS AND DIST RANCHI

3. THE DIRECTOR, HIGHER EDUCATION DEPARTMENT OF HUMAN
RESOURCE DEVELOPMENT GOVERNMENT OF JHARKHAND PROJECT
BUILDING HEC DHURWA RANCHI

4. SECRETARY, DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT
GOVERNMENT OF JHARKHAND PROJECT BUILDING HEC DHURWA RANCHI

5. JHARKHAND PUBLIC SERVICE COMMISSION THROUGH ITS CHAIRMAN
CIRCULAR ROAD PO AND PS LALPUR DIST RANCHI

6. THE BIHAR STATE UNIVERSITY (CONSTITUTENT COLLEGES) SERVICE
COMMISSION THROUGH ITS CHAIRMAN GOKUL MARG NORTH SHRI
KRISHNAPURI BORING ROAD PATNA BIHAR RESPONDENTS³WITH
W.P.(S) NO. 2977 OF 2010 DR. JATADHAR DUBEY, SON OF LATE B.P.
DUBEY, R/OSHYAM SUNDAR NAGAR, PTC ROAD, KORRA PS KORRA,
DISTRICT HAZARIBAGH PETITIONER VERSUS¹ THE STATE OF
JHARKHAND THROUGH THE SECRETARY, DEPARTMENT OF HUMAN
RESOURCE DEVELOPMENT, GOVERNMENT OF JHARKHAND, RANCHI,
TELEPHONE BHAWAN, NEAR PROJECT BUILDING, DHURWA, RANCHI² THE
DIRECTOR, HIGHER EDUCATION, DEPARTMENT OF HUMAN RESOURCE
DEVELOPMENT, GOVT OF JHARKHAND TELEPHONE BHAWAN, NEAR
PROJECT BUILDING DHURWA RANCHI³ JHARKHAND PUBLIC SERVICE
COMMISSION THROUGH ITS CHAIRMAN HAVING OFFICE AT CIRCULAR
ROAD RANCHI⁴ VINOBA BHAVE UNIVERSITY THROUGH ITS VICE
CHANCELLOR HAZARIBAGH PS HAZARIBAGH DIST HAZARIBAGH⁵ THE
REGISTRAR,VINOBA BHAVE UNIVERSITY HAZARIBAGH PS HAZARIBAGH
DIST HAZARIBAGH RESPONDENTS WITH W.P.(S) NO. 88 OF 2011
DR.SHASHI KISHORE NARAYAN, S/OLATE PARMESHWAR DAYAL
R/OASHRAM ROAD KUMHARTOLI PO AND PS HAZARIBAG DIST HAZARIBAG
... ... PETITIONER VERSUS¹ VINOBA BHAVE UNIVERSITY, THROUGH ITS

REGISTRAR, PO&PSHAZARIBAG, DISTRICTHAZARIBAG2 THE VICE CHANCELLOR, VINOBA BHAVE UNIVERSITY, PO, PS AND DIST HAZARIBAG3 THE REGISTRAR, VINOBA BHAVE UNIVERSITY, PO, PS AND DISTRICTHAZARIBAG4 THE STATE OF JHARKHAND THROUGH ITS DIRECTOR, HIGHER EDUCATION, DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT, PROJECT BHAWAN, HEC DHURWA RANCHI RESPONDENTS WITH W.P.(S) NO. 2643 OF 2011 DR. BIRENDRA KUMAR, S/O LATE SUNDAR SINGH, C/O ASHOK CHOUDHARY R/O ANAND MARG ROAD, PISKA MORE, PO HEHAL PS SUKHDEONAGAR, RANCHI PETITIONER VERSUS1 STATE OF JHARKHAND2 RANCHI UNIVERSITY THROUGH ITS VICE CHANCELLOR PO AND PS BARIYATU DIST RANCHI

3. REGISTRAR, RANCHI UNIVERSITY RANCHI PO AND PS BARIYATU DIST RANCHI

4. JHARKHAND PUBLIC SERVICE COMMISSION, CIRCULAR ROAD RANCHI RESPONDENTS4WITH W.P.(S) NO. 7431 OF 2011 TAP NARAYAN SINGH, S/O LATE RAM BRIKSH SINGH R/O PROFESSORS COLONY, KARAMTOLI RANCHI, PO RANCHI UNIVERSITY PS LALPUR DISTRICT RANCHI PETITIONER VERSUS1 THE STATE OF JHARKHAND THROUGH THE DIRECTOR, HIGHER EDUCATION, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVERNMENT OF JHARKHAND, PROJECT BUILDING, DHURWA, JAGANNATHPUR, RANCHI2 RANCHI UNIVERSITY, RANCHI THROUGH THE VICE CHANCELLOR MAIN ROAD PO GPO PS KOTWALI RANCHI3 REGISTRAR, RANCHI UNVIERSITY MAIN ROAD PO GPO PS KOTWALI RANCHI4 JHARKHAND PUBLIC SERVICE COMMISSION, RANCHI THROUGH ITS CHAIRMAN SECRETARY PO AND PS LALPUR RANCHI5 ST XAVIERS COLLEGE, RANCHI THROUGH ITS PRINCIPAL/ SECRETARY PURULIA ROAD PO AND PS LALPUR RANCHI RESPONDENTS WITH W.P.(S) NO. 1442 OF 2013

1. DR VIJAY KUMAR, SON OF VISHNU PRASAD RESIDENT OF AMRIT NAGAR PO KORRAH PS MUFFASIL DISTT HAZARIBAGH

2. DR DIGAMBAR PANDEY, SON OF LATE MAHABIR PANDEY RESIDENT OF RAM NAGAR PO KADMA PS KATKAMDAG DISTT HAZARIBAGH

3. DR SITA RAM SHARMA, SON OF LATE BECHU SHARMA RESIDENT OF GANDHI MAIDAN WEST PO PS AND DISTRICT HAZARIBAGH

4. DR RAVI KUMAR PRASAD, SON OF LATE UMESH PRASAD, RESIDENT OF RAM NAGAR ROAD PO PS AND DISTRICT HAZARIBAGH PETITIONERS VERSUS¹ THE STATE OF JHARKHAND THROUGH ITS SECRETARY, DEPARTMENT OF HUMAN RESOURCE, GOVERNMENT OF JHARKHAND, RANCHI, PROJECT BUILDING, PODHURWA, PSJAGARNATHPUR, DISTRICTRANCHI² THE VINOBA BHAVE UNIVERSITY THROUGH THE REGISTRAR HAZARIBAGH PO AND PS SADAR DISTRICT HAZARIBAGH

3. THE VICE CHANCELLOR, VINOBA BHAVE UNIVERSITY PO AND PS SADAR DISTT HAZARIBAGH⁴ THE REGISTRAR, VINOBA BHAVE UNIVERSITY PO AND PS SADAR DISTT HAZARIBAGH⁵ THE SECRETARY, JHARKHAND PUBLIC SERVICE COMMISSION CIRCULAR ROAD PS LALPUR PO GPO DISTT RANCHI RESPONDENTS⁵WITH W.P.(S) NO. 2331 OF 2014 PROF SHEO SHANKAR PANDEY, S/O LATE VYAS PANDEY, R/OL.R.A. 86, ARGORA HOUSING COLONY, RANCHI, PODORANDA, PSARGORA, DISTRICTRANCHI PETITIONER VERSUS¹ THE STATE OF JHARKHAND² VICE CHANCELLOR/REGISTRAR, RANCHI UNIVERSITY, MAIN ROAD, POGPO, PSKOTWALI, DISTRICTRANCHI³ JHARKHAND PUBLIC SERVICE COMMISSION THROUGH ITS CHAIRMAN/SECRETARY, CIRCULAR ROAD, PSLALPUR, DISTRICTRANCHI RESPONDENTS WITH W.P.(S) NO. 2767 OF 2014 DIPTY CHAKRAVARTY, W/O DR. ASHIM KUMAR CHAKRABORTY, R/S 59 A.G. COLONY, KADRU, PSARGORA, DISTRICTRANCHI PETITIONER VERSUS¹ THE STATE OF JHARKHAND THROUGH ITS DIRECTOR, HRD DEPARTMENT, HIGHER EDUCATION, GOVERNMENT OF JHARKHAND, PROJECT BUILDING, PODHURWA, PS JAGANNATHPUR, DISTRICTRANCHI² RANCHI UNIVERSITY THROUGH ITS VICE CHANCELLOR RANCHI UNIVERSITY, RANCHI, POGPO, PSKOTWALI, DISTRICT RANCHI³ REGISTRAR RANCHI UNIVERSITY, POGPO, PSKOTWALI, DISTRICT

RANCHI⁴ JHARKHAND PUBLIC SERVICE COMMISSION THROUGH ITS CHAIRMAN/SECRETARY, CIRCULAR ROAD, PO&PS LALPUR, DISTRICT RANCHI RESPONDENTS WITH W.P.(S) NO. 3121 OF 2014 DR SHISHIR SUMAN MISHRA, SON OF LATE PANDIT DEO NARAYAN MISHRA R/O ANNAPURNA COLONY PAKUR PO AND PS AND DIST PAKUR, JHARKHAND PETITIONER VERSUS¹ THE VICE CHANCELLOR SKM UNIVERSITY, DUMKA, UNIVERSITY CAMPUS, PO&PS DUMKA (SADAR), DUMKA² THE REGISTRAR, SIDO KANHU MURMU UNIVERSITY, ITS OFFICE AT UNIVERSITY CAMPUS DUMKA PO AND PS DUMKA SADAR DIST DUMKA JHARKHAND³ THE PRINCIPAL INCHARGE, K K M COLLEGE, PAKUR ITS OFFICE AT COLLEGE CAMPUS PAKUR PO AND PS PAKUR (SADAR) DIST PAKUR JHARKHAND⁶⁴. JHARKHAND PUBLIC SERVICE COMMISSION, THROUGH ITS CHAIRMAN CIRCULAR ROAD RANCHI JHARKHAND PO AND PS LALPUR, DISTRICT RANCHI⁵ THE STATE OF JHARKHAND THROUGH ITS CHIEF SECRETARY RANCHI JHARKHAND PO AND PS DORANDA RANCHI

6. THE SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVT OF JHARKHAND RANCHI PO AND PS DORANDA, DISTRICT RANCHI⁷ THE DIRECTOR, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVERNMENT OF JHARKHAND PO AND PS DORANDA DIST RANCHI RESPONDENTS WITH W.P.(S) NO. 208 OF 2015 SITARAM SINGH, SON OF LATE TEJ NARAIN SINGH, R/O WILLIAME TOWN PO DEOGHAR PS AND DIST DEOGHAR PRESENTLY POSTED AS PRINCIPAL, DEOGHAR COLLEGE, DEOGHAR PETITIONER VERSUS¹ THE STATE OF JHARKHAND THROUGH THE CHIEF SECRETARY, GOVERNMENT OF JHARKHAND, PROJECT BHAWAN, HEC, DHURWA, JAGANNATHPUR, RANCHI² THE PRINCIPAL SECRETARY, HUMAN RESOURCE DEVELOPMENT DEPARTMENT, GOVT OF JHARKHAND PROJECT BHAWAN H E C PO DHURWA PS JAGANNATHPUR DIST RANCHI

3. JHARKHAND PUBLIC SERVICE COMMISSION, THROUGH ITS CHAIRMAN, CIRCULAR ROAD PO AND PS LALPUR DIST RANCHI

4. THE SECRETARY, JHARKHAND PUBLIC SERVICE COMMISSION, CIRCULAR ROAD PO AND PS LALPUR DIST RANCHI RESPONDENTS WITH W.P.(S) NO. 3669 OF 2015

1. RAM PYARE MISHRA, S/O LATE BINDESHWARI MISHRA R/O RAMNAGAR GALI NO 6, PO KADMA PS SADAR DIST HAZARIBAGH² SHIVESHVAR PRASAD, S/O LATE INDER SAW RESIDENT OF KORI TOLA, RAMGARH CANTT., PO,PS & DISTRICT RAMGARH PETITIONERS VERSUS¹ THE STATE OF JHARKHAND THROUGH ITS SECRETARY, DEPARTMENT OF HUMAN RESOURCE, GOVERNMENT OF JHARKHAND, PROJECT BUILDING, PODHURWA, PS JAGARNATHPUR, DISTRICT RANCHI² THE VINOBA BHAVE UNIVERSITY, HAZARIBAGH THROUGH ITS REGISTRAR PO AND PS SADAR DIST HAZARIBAGH³ THE VICE CHANCELLOR VINOBA BHAVE UNIVERSITY, HAZARIBAGH PO AND PS SADAR DIST HAZARIBAGH⁴ THE REGISTRAR, VINOBA BHAVE UNIVERSITY, HAZARIBAGH PO AND PS SADAR DIST HAZARIBAGH RESPONDENTS⁷ WITH W.P.(S) NO. 451 OF 2016 DR HARIOM PANDEY, SO OF RADHA MOHAN PANDEY, RESIDENT OF NORTH OFFICE PARA, PO&PS DORANDA, DISTRICT RANCHI, JHARKHAND PETITIONER VERSUS¹ STATE OF JHARKHAND

2. SECRETARY HIGHER EDUCATION, DEPTT OF HUMAN RESOURCES, GOVT OF JHARKHAND AT PROJECT BUILDING PO AND PS DHURWA DIST RANCHI³ RANCHI UNIVERSITY THROUGH ITS REGISTRAR, MAIN ROAD PO GPO PS KOTWALI DIST RANCHI⁴ VICE CHANCELLOR, RANCHI UNIVERSITY, MAIN ROAD PO GPO PS KOTWALI DIST RANCHI⁵ REGISTRAR RANCHI UNIVERSITY RANCHI, MAIN ROAD PO GPO PS KOTWALI DIST RANCHI RESPONDENTS WITH W.P.(S) NO. 3213 OF 2016 DHIRENDRA NATH MAHATO, S/O LATE JAGMOHAN MAHATO R/O NEW COLONY TUNGRI CHAIBASA PO CHAIBASA PS MUFFASIL DIST WEST SINGHBHUM PETITIONER VERSUS¹ THE STATE OF JHARKHAND THROUGH ITS SECRETARY, HIGHER AND TECHNICAL EDUCATION DEPARTMENT GOVT OF JHARKHAND NEPAL HOUSE DORANDA PO AND PS DORANDA DIST RANCHI² KOLHAN UNIVERFRSITY, CHAIBASA A UNIVERSITY INCORPORATED UNDER SECTION 3 OF THE JHARKAHND STATE

UNIVERSITIES OFFICE AT CHAIBASA PO AND PS CHAIBASA³ REGISTRAR KOLHAN UNIVERSITY, CHAIBASA PO AND PS CHAIBASA DIST WEST SINGHBHUM⁴ JHARKHAND PUBLIC SERVICE COMMISSION, CIRCULAR ROAD RANCHI PO G P O PS KOTWALI DIST RANCHI THROUGH ITS SECRETARY RESPONDENTS WITH W.P.(S) NO. 5675 OF 2016 DR MUSTAQ AHMAD, SON OF MOHAMMAD ASHFAQUE R/O MUNSHI MOHALLA, POST OFFICE ROAD PO AND PS MANGO TOWN JAMSHEDPUR DIST EAST SINGHBHUM PETITIONER VERSUS¹ THE STATE OF JHARKHAND

2. CHANCELLOR ALL JHARKHAND UNIVERSITIES HAVING ITS OFFICE AT RAJBHAWAN PO AND PS SUKHDEONAGAR DIST RANCHI JHARKHAND⁸³. PRINCIPAL SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVERNMENT OF JHARKHAND, H E C TOWNSHIP PO DHURWA PS JAGARNATHPUR DIST RANCHI

4. KOLHAN UNIVERSITY, CHAIBASA THROUGH ITS VICE CHANCELLOR PO CHAIBASA PS CHAIBASA DIST WEST SINGHBHUM

5. REGISTRAR, KOLHAN UNIVERSITY PO AND PS CHAIBASA DIST WEST SINGHBHUM

6. JHARKHAND PUBLIC SERVICE COMMISSION THROUGH ITS SECRETARY AT CIRCULAR ROAD PO G P O PS LALPUR DIST RANCHI RESPONDENTS WITH W.P.(S) NO. 5676 OF 2016 DR MS NUSRAT TAUHEED, D/O MOHAMMAD TAUHEED R/O FLAT NO A 210 ORCHID ASHIANA RESIDENCY GREENS MANGO PARDIH ROAD PO AND PS AZADNAGAR MANGO TOWN JAMSHEDPUR DIST EAST SINGHBHUM PETITIONER VERSUS¹ STATE OF JHARKHAND

2. CHANCELLOR ALL JHARKHAND UNIVERSITIES, OFFICE AT RAJBHAWAN, PO&PSSUKHDEONAGAR, DISTRICTRANCHI³ PRINCIPAL SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVT OF JHARKHAND H E C TOWNSHIP PO DHURWA PS JAGARNATHPUR DIST RANCHI JHARKHAND⁴ KOLHAN UNIVERSITY, CHAIBASA THROUGH ITS VICE CHANCELLOR PO CHAIBASA PS CHAIBASA DIST WEST SINGHBHUM

5. REGISTRAR, KOLHAN UNIVERSITY PO AND PS CHAIBASA DIST WEST SINGHBHUM
6. JHARKHAND PUBLIC SERVICE COMMISSION THROUGH ITS SECRETARY AT CIRCULAR ROAD PO G P O PS LALPUR DIST RANCHI RESPONDENTS WITH W.P.(S) NO. 5678 OF 2016 DR MD ZAFFIRUL HAQUE, SON OF LATE MOHAMMAD ZAHURUL HAQUE, R/O PROFESSOR COLONY, NEAR JKS COLLEGE, PO&PS AZADNAGAR MANGO TOWN JAMSHEDPUR DIST EAST SINGHBHUM JHARKHAND PETITIONER VERSUS1 STATE OF JHARKHAND2 CHANCELLOR ALL JHARKHAND UNIVERSITIES HAVING ITS OFFICE AT RAJBHAWAN PO AND PS SUKHDEONAGAR DIST RANCHI
3. PRINCIPAL SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPTT GOVT OF JHARKHAND H E C TOWNSHIP PO DHURWA PS JAGARNATHPUR DIST RANCHI
4. KOLHAN UNIVERSITY, CHAIBASA THROUGH ITS VICE CHANCELLOR PO CHAIBASA PS CHAIBASA DIST WEST SINGHBHUM 9
5. REGISTRAR, KOLHAN UNIVERSITY PO AND PS CHAIBASA DIST WEST SINGHBHUM
6. JHARKHAND PUBLIC SERVICE COMMISSION, THROUGH ITS SECRETARY AT CIRCULAR ROAD PO G P O PS LALPUR DIST RANCHI RESPONDENTS ----- CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR ----- For the Petitioner(s): Mr. Anoop Kumar Mehta, Advocate [W.P.(S) no. 3375/2016 & 3213/2016] Mr. Sabyasanchi, Adv. [in W.P.(S) no. 4846/2007] Mr. V. Shivnath, Sr. Adv.[in W.P.(S) no. 2098/2008] Mr. O.P. Tiwary, Adv.[W.P.(S) nos. 4657/2009 & 88/2011] Mr. A. K. Verma, Adv.[in W.P.(S) no. 2643 of 2011] Dr. Shreekrishna Pandey, Adv.[W.P.(S) no. 7431/2011] Mr. Sameer Saurav, Adv.[in W.P.(S) no. 1442 of 2013] Dr. S. K. Pandey, Adv.[W.P.(S) no. 2331/2014 & 2767/2014] Mr. Alok Anand, Adv. [in W.P.(S) No. 3121/2014] Mr. Asif Khan, Adv. [in W.P.(S) no. 208/2015] Mr. Saurav Arun, Adv.[in W.P.(S) no. 3669 of 2015] Mr. Kalyan Roy, Adv. [in W.P.(S) No. 451/2016] Mr. Indrajit Sinha, Adv. [in W.P.(S) nos. 2977/2010, 5675/2016, 5676/2016 and

5678/2016] For the State:Mr. Atanu Banerjee, G.A. [in W.P.(S) no. 3375 of 2016] Mrs. Chandra Prabha, S.C. IV [in W.P.(S) no. 4846 of 2007] Mr. Avishek Chandra, J.C. to S.C. I [in W.P.(S) no. 5676 of 2016] Mr. Rajesh Kr. Singh, J.C. to G.P. IV [in W.P.(S) no. 5678 of 2016] Mr. Rahul Kamlesh, J.C. to S.C. II [in W.P.(S) no. 451 of 2016] Mr. Rakesh Kr. Shahi, J.C. to AAG[in W.P.(S) no. 2767 of 2014] Mr. Sunil Singh, J.C. to S.C. Mines[in W.P.(S) no. 3121 of 2014] For the Resp. no. 2: Mr. Anil Kumar, Sr. Advocate Mr. Ashutosh Kr. Singh, Adv.[in W.P.(S) nos. 5675 of 2016, 5676 of 2016 and 5678 of 2016] For the Kolhan Univ.: Dr. Ashok Kumar Singh,Adv. [in W.P.(S) nos. 3375 of 2016, 3121 of 2014, 5675 of 2016, 5676 of 2016 and 5678 of 2016] For the JPSC : Mr. Sanjay Piprawall, Advocate Mr. Abhay Prakash, Advocate For the SKM Univ. : Mr. Mithilesh Singh, Advocate For the VB Univ. : Mrs. Indrani Sen Choudhary, Adv. [in W.P.(S) Nos. 88 of 2011, 1442 of 2013 and 3669 of 2015] Mr. Mithilesh Singh, Adv. [in W.P.(S) No. 2977/2010] ----- 11/01.05.2017 Prayer in these writ petitions are diverse; may be overlapping in parts.

2. Noticing different and in some cases contradictory stand taken by different Universities in different petitions and, primarily for the reason that a decision which at the first instance must be taken by the authorities, still, the State as well as the 10 Universities by filing affidavits in these writ petitions intended a decision from the Court, hearing of these writ petitions was deferred. In the aforesaid circumstances, on 03.04.2017 the following order was passed : These writ petitions have been listed today by an order of the Court.

2. In different writ petitions, the respondent Universities as well the State Government have taken different stand. One particular University, my judicial experience would say, has taken two different stands in two different cases, though the issue involved is same or similar. In all these writ petitions, primarily the issues involved are grant of promotion from the post of Lecturer to Reader or from the post of Reader to the post of Professor under different statutes namely, Time Bound Promotion, Career Advancement Scheme, Merit Promotion etc. Another issue involved in these writ petitions is, date of appointment of the teacher(s) in the colleges which were taken over in the fourth phase or thereafter. There is report of the Hon'ble S.C. Agrawal Commission which has dealt with this issue still, different

Universities have reckoned different dates of appointment of the teachers in the colleges. In W.P.(S) No. 5675 of 2016 and two other cases, the issue involved is, whether the Time Bound Promotion Scheme is still operative and/or the petitioners can take benefit of the Career Advancement Scheme. In the writ petition [W.P.(S) No. 451 of 2016], the Ranchi University has taken a stand that, the University has no objection in treating the final date of appointment of the petitioner as 17.11.1980. In a litigation such a stand is not appreciated. A decision has to be taken by the authorities, in the light of the relevant rules and the orders, if any, passed by the Court. The learned counsels appearing for the respondent State and the different Universities have opposed the stand taken by the petitioner(s) in these writ petitions. It appears that, in the above situation, 11 JPSC also finds itself in a fix. In my opinion, decisions on the above issues are required to be taken by the University/State, but for one reason or the other, it is being thrust upon the Court.

3. In view of the diversity of issues and the divergent stands taken by the respondents, prima facie, I am of the opinion that a Committee shall be constituted comprising of Registrar of respective Universities, representative of Department of Higher Technical and Skill Development and one or two academicians, which may take a decision on different issues arising from different statutes, absorption, date of appointment of teachers in the colleges, consequential grant of pay scale etc. and other incidental or similar matters. But, before taking a final decision in the matter, I think it appropriate to take response from the petitioners on constitution of such a Committee for formulating guidelines on the basis of which the respective Universities shall deal with the individual claims. 4. Accordingly, these writ petitions are adjourned by four weeks for taking response from the petitioners. 5. Post the matter on 01.05.2017. 3. The main reason for adjourning the matter for today was to grant an opportunity to the parties for due reflection.

4. Broadly, the parties have agreed that a Committee may be constituted consisting of the representative from the State Government and representatives from each Universities. Mr. Atanu Banerjee, the learned State counsel on instructions from the Secretary, Department of Higher, Technical Education and Skill Development, affirms the willingness of the State for constitution of such a

Committee. 5. Ordered accordingly.

6. One of the contentious issues raised during the course of argument was applicability of different Statutes even after enforcement of 1995 Statutes and the Career Advancement 12 Scheme, 2008. Contention raised on behalf of the petitioners is, that the Statute for placement of Lecturers to the post of Lecturers in the Senior payscale and Statute for promotion of Lecturers in the Senior payscale to the post of Readers and for placement of the Lecturers in the Senior payscale to the post of Lecturers in the Selection Grade under the Career Advancement Scheme as approved by the Chancellor vide letter No. BSU 20/952132/GS(1) dated 23.09.1995 and the Statute for promotion of Lecturers in the Senior payscale (Rs. 30005000) to the posts of Readers in the payscale of 37005700 and placement of Lecturers in the Senior Scale of pay to the post of Lecturers in the Selection Grade (37005700) as approved by the Chancellor vide letter dated 23.09.1995 do not apply in cases for promotion to the post of Professor from the post of Reader. Mr. Indrajit Sinha, the learned counsel appearing on behalf of the writ petitioners who were appointed in the Minority Colleges submits that these Statutes would not apply to the deficit grant Minority Institutions/Colleges. The contention raised on behalf of the learned counsels appearing for the Universities is, that after the aforesaid Statutes came into force on 23.09.1995 all other existing statutes stood superseded and no promotion in terms of the previous Time Bound and Merit Promotion Statutes can be granted. The respondent State also seems to adopt the same line of agreement.

7. Another argument raised on behalf of the petitioners is, that even after the Statute for placement of Lecturers to the post of Lecturer in the Senior Scale and for promotion of Lecturer in the Senior Scale to the post of Lecturer in the Selection Grade/Reader and promotion of Reader to the post of University Professor of University Departments, Constituent Colleges and Affiliated College including Religious and Linguistic Minority College commonly called CAS came into existence by Notification dated 26.06.2008 still, the previous Time Bound 13 Promotion Scheme as well as Merit Promotion Scheme continues, atleast for promotion to the post of Professor shall continue. Contention of Dr. Ashok Kumar Singh, the learned counsel for the University is that this Notification dated

26.06.2008 refers only to previous Statues assented to by the Chancellor both notified vide letters dated 23.09.1995, for after the Hon'ble Chancellor assented to the aforesaid Notification the previous Time Bound Promotion Scheme and Merit Promotion Scheme all stood superseded. 8. In the first place, I shall take up the Career Advancement Scheme (CAS) which has been made effective w.e.f. 27.07.1998. 9. The scheme of CAS notified vide Notification dated 26.06.2008 reflects that CAS has been thought of as one single scheme covering all kinds of promotions; promotion from the post of Lecturer to the post of Lecturer Senior Scale, promotion of Lecturer Senior Scale to Lecturer Selection Grade, promotion of Lecturer Selection Scale to the rank of Reader and promotion of Reader to the rank of Professor. This is an exhaustive all encompassing scheme. In my opinion, it covers all aspects of promotion in University Departments, Constituent Colleges, Affiliated College as also the Religious and Linguistic Minority Colleges. Under Clause 10 of CAS, it is provided that previous service, without any break as Lecturer or equivalent, in a University College, National Laboratory or other scientific organizations of State/Central Government e.g. SCIR, ICAR, DRADD, UGC, ICSSR, ICHR shall be counted for placement of Lecturer in Senior Scale/Selection Grade subject to the following conditions : (1) The post was in an equivalent grade/scale of pay as the post of Lecturer. 14 (2) The qualifications for the post were not lower than the qualifications prescribed by the UGC for the post of Lecturer. (3) The candidates who apply for direct recruitment should apply through proper channels. (4) The concerned Lecturer possessed the minimum qualifications prescribed by the UGC for appointment as Lecturer. (5) The post was filled in accordance with the prescribed selection procedure as laid down by the University/State Government/Central Government/ Institution's regulations. (6) The appointment was not adhoc or in a leave vacancy of less than one year duration. 10. Another relevant provision is for counting of adhoc service. It has been provided that adhoc service for more than one year duration and if the incumbent was appointed on the recommendation of duly constituted Selection Committee to the permanent post in continuation to the adhoc service without any break, shall be taken into consideration. Only limitation is that the benefit of past service shall not be granted to adhoc/temporary teachers who at the time of their selection/absorption to the permanent posts were not holding the post in

accordance with the relevant provisions of the Act/Statutes/Rules and Regulations.

11. The Career Advancement Scheme puts an embargo on promotion to a teaching post in the institutions; Constituent Colleges, Affiliated Colleges including, Religious and Linguistic Minority Colleges, if qualifications for promotion are not fulfilled. Requirement for grade of Lecturer (Senior Scale) is provided under Clause 1.2.0. It provides 4 years of service for the Lecturers with Ph.D, 5 years with M.Phil and 6 years for other Lecturers, however, the eligibility for Lecturer (Selection 15 Grade)/Reader is minimum 5 years of service as Lecturer (Senior Scale). For grant of grades of Reader and above, minimum eligibility is Ph.D degree. A Lecturer who does not possess Ph.D degree is granted promotion only to the level of Lecturer (Selection Grade). For promotion in the grade of Professor minimum 8 years of service as Reader is the condition. Clause 1.6 provides that in the Degree Colleges including, Religious Linguistic Minority Colleges in which 5th UGC payscale has been implemented, promotion under CAS shall be considered w.e.f. 27.07.1998. 12. A list of eligible candidates shall be forwarded by the Universities to the Jharkhand Public Service Commission under Clause 1.9.0, which shall send its recommendations within 6 months. Conditions for promotion of Lecturer in the rank of Lecturer (Senior Scale) is prescribed under Clause 2, and for promotion of Lecturer (Senior Scale) as Lecturer (Selection Grade) are provided under Clause 3 of the CAS. These conditions are similar to the conditions provided under the Statute of 1995, with relaxation in the period of continuous service. For example, under 1995 Statute for promotion in the Senior payscale 8 years of continuous service after regular appointment against sanctioned post is a condition whereas, under CAS period of continuous service has been reduced to 6 years for non Ph.D/M.Phil Lecturers. Similarly, under CAS 5 years' continuous service is a requirement for placement in the rank of Lecturer (Selection Grade) whereas, under 1995 Statute it was 8 years of service in the Senior Scale. Criteria for placement of Lecturers in the Senior Payscale to the post of Reader was similar to the criteria for grant of Selection Grade, under 1995 Statute. 13. Contention of Mr. Indrajit Sinha, the learned counsel for the petitioners who are serving under Religious and Linguistic Minority Colleges, is that the Statute for TimeBound Promotion which was approved by the Chancellor on 14.09.1992 is not 16 superseded by any of the two 1995 Statutes, either expressly or impliedly. It

is contended that 1995 Statutes applied only to the Lecturers serving in University Department or in a Degree College maintained by the University. 14. It is a matter of record that Statutes for TimeBound Promotion of Lecturers to the post of Readers and for Readers to the post of University Professors received approval of the Chancellor vide letter dated 24.12.1986. Clause1 of the subject Statute refers to a Lecturer serving in a University Department or in a Degree College managed and maintained by the University. Except this, there is no other Statute which regulates Time Bound Promotion of Lecturers working under affiliated Colleges and there was no separate law, at that time, regulating promotions of the Lecturers working in Religious and Linguistic Minority Colleges. The Statute for TimeBound Promotion of Lecturers of affiliated Colleges including, Religious and Linguistic Minority Colleges received approval of the Chancellor on 14.09.1992. Both these Statutes came into force from 01.02.1985. Both are verbatim same and contain identical conditions for promotions (Statute2280 for affiliated and Statute4032 for University Colleges). Statute for TimeBound Promotion4032 has been expressly superseded by 1995 Statute, however, the Statute2280 relating to affiliated colleges including, Religious and Linguistic Minority Colleges has not been expressly superseded by 1995 Statute2132. 15. The entire theory under law of implied repeals is that there is no need for later enactment to say in express terms that an earlier enactment has been repealed by using any particular set of words but, that if the legislative intent to supersede earlier law is manifested by the enactment of provisions as to effect such supersession, then there is in law a repeal notwithstanding the absence of word "repeal" in the later Statute [refer "State of Orissa Vrs. M.A. Tulloch and Company" AIR 1964 SC 1284]. 17 However, there may be a case in which by framing new rules while a part of the old rules were not expressly repealed, still, it has been held that the new rules would by necessary implications repeal the leftout part also [refer Swastik Ruber Products Ltd. Vrs. Municipal Corporation of the city of Poona (1981) 4 SCC 219]. 16. For the present, framing of two separate, but identical Statutes would give a definite impression that only for the convenience, Statute for TimeBound Promotion of Lecturers of affiliated Colleges was brought on statutebook in the year, 1992 which was a reproduction of 1986 Statute regulating TimeBound Promotion of Lecturers. In the circumstances, 1995 Statute for promotion of

Lecturers to the post of Readers, though does not expressly repeal Statute 2280 for TimeBound Promotion of Lecturers of affiliated Colleges, by necessary implication repeals Statute 2280, in part. While accepting the plea raised on behalf of the Lecturers of Minority institutions and at the same time, holding that there shall not be any TimeBound Promotion for the University Lecturers or Lecturers in Degree Colleges, a complete irreconcilable situation would be invited. 17. Generally, the expression notwithstanding anything to the contrary is used to give primacy to the provision in relation to other existing provision in law and while deemed repeal of another enactment is not inferred, in the present scenario the Time Bound Promotion Scheme must be deemed to have been replaced by 1995 Statutes in so far as, these Statutes referred to promotion of Lecturer to the post of Reader. However, promotion to the post of Professor shall be regulated under the old Statutes till 27.07.1998. There was no provision for TimeBound Promotion to the post of Professor in 1995 Statutes. This fact finds echoed in letter dated 16.03.2013 by Special Secretary to the Governor. On introduction of 1995 Statutes, it has to be held that TimeBound Promotion to the post of 18 Professor after 23.09.1995 also shall be granted under the old statute, but only till 27.07.1998. Similar would be the rational for holding that 2008CAS superseding all previous Statutes, though it specifically refers only to 1995 Statutes (2132 & 2133). 18. The contention that 2008CAS is an invalid piece of legislation, for it has been made applicable from a retrospective date is liable to be rejected. Merely, because the law made has been given retrospective effect, the same does not render it invalid. Though, on examination of the scheme of the enactment it may be held that CAS cannot be given a retrospective effect, but, for this reason, CAS itself cannot be held invalid. Conditions for promotions of Readers as Professors under 1995 Statute are contained under Clause 4 which reads: The promotion will depend on consideration and assessment of the work done by the teacher, such as publication of research papers, books, reviews and curriculum development, teaching aids, innovation in teaching methods, equipment development etc. presented by the individual teacher which shall be referred to at least two referees in the subject/discipline concerned. In the existing CAS the following documents are placed before the Scrutiny Committee for examining the eligibility for promotion as Reader; (a) Self Appraisal Report (required), (b) research

contribution/books/articles published, (c) any other academic contributions, preferably the best three written contributions of the teacher, (d) seminars, conferences attended, (e) contribution to teaching/academic environment/institutional corporate life, and (f) extension and field outreach activities. A scrutiny of the conditions under 1995 Statute and CAS would reveal that no new criteria has been imposed for promotion to the post of Reader under CAS. Without referring in detail, it is recorded that no new conditions for promotion to the post of Professor has been envisaged under CAS. The requirement of participation in oriented/refresher course/summer institute is confined to 19 promotion of Lecturers to Lecturer (SeniorScale) and Lecturer (SeniorScale) to Lecturer (SelectionGrade), which also is not a new condition under CAS. In the above facts, if CAS has been made applicable with effect from 27.06.1998, no prejudice would be caused to any Lecturer aspiring promotion in higher ranks. In so far as, Religious and Linguistic Minority Colleges are concerned, there is no reason why CAS shall not be made applicable to these Institutions. One cannot insist TimeBound Promotion as a matter of right. Grant or refusal of promotion falls exclusively within the domain of the Executive and Legislature. There is no challenge to the applicability of CAS notified on 26.06.2008, which is made applicable to Religious and Linguistic Minority Colleges. In short, CAS is a composite scheme for promotion at various levels under one roof.

19. Another issue which was debated during the course of hearing was extent of the control of the State Government in the matters of appointment, promotion, payscale etc. Section 35 of Jharkhand State Universities Act, 2000 (hereinafter referred to as Universities Act) provided that no post for appointment shall be created by the University or any Colleges or any Affiliated Colleges without prior sanction of the State Government. Under Section 41 the University is required to send the drafts of all proposed Statutes, Ordinances, Regulations and Rules to the Government of Jharkhand for consideration. Budget of the University is approved by the State Government. Under Section 48 the State Government has powers to return budget to the University with such modifications as it may deem fit and the University is required to act in conformity with such modifications and approved budget. Section 48 (3) provides that no expenditure shall be incurred by the University unless such an expenditure has become part of the budget as finally

approved by subsection 1 or 2. The State Government may cause the accounts of the University or any College to be audited under 20 Section 54 and issue direction for compliance to the University or the College concerned. These provisions would require the University or the College to make appointments in terms of the University Act and the rules and regulations framed thereunder. The University or the College has to ensure compliance of UGC regulations and to follow the norms and conditions for the appointment as fixed by the Academic Regulator. In the event, the State Government finds that the University or College has failed to ensure compliance of the extant rules, it may interfere with the decision of the University by declining to approve its recommendations. In the above circumstances, contention that area of activities within the Universities Act is a forbidden territory for the State Government, is liable to be rejected. 20. An issue which also cropped up is delay and latches on the part of the petitioners in approaching the authorities. Without expressing any opinion on this issue, for this would depend on the facts of each case, it is clarified that mere recommendation by the University shall not make a teacher entitled for grant of promotion in terms of the extant Statues. In so far as, the date of substantive appointment is concerned, the date fixed by the Hon'ble S.C. Agrawal Commission shall be final and conclusive except, in cases which were left open in State of Bihar and Others Vs. Bihar Rajya M.S.E.S.K.K Mahasangh and Others reported in (2005) 9 SCC 129. It is also clarified that if a candidate has approached the Hon'ble S. B. Sinha Commission, the date of substantive appointment/absorption as held by the Hon'ble Commission in that event shall be taken as final. Paragraph no. 73 of the Bihar Rajya M.S.E.S.K.K. Mahasangh case is extracted below :

73. In view of this judgment and the directions made herein to the university to take a final decision based on the report of the Enquiry Commission, all the applications for impleadment as parties and objections 21 filed to the enquiry report are rejected. It is for the university to take a final decision concerning the individual employees. For the same reason, no further orders are required on the interlocutory applications seeking certain directions pending the appeal and for modification of earlier orders made. Other interlocutory applications also need no further directions or orders. They all stand disposed of. Conclusions 1. The judgment of the High Court, to the extent of the interpretation placed by it on the

provisions of Section 4(1)(14) and Section 35 with the directions issued in paras 24 to 26 therein, is hereby confirmed for the reasons recorded by us above.

2. The report of the Commission of Enquiry of Honble Justice S.C. Agrawal (Retired), is accepted and all objections filed against the said report are rejected.

3. The members of the staff in various affiliated colleges identified and named in List (i) being appointees against the sanctioned posts shall be absorbed and formal order to that effect shall be issued by the universities concerned.

4. The universities shall take a decision under Section 4(1)(14) of the Act in the matter of absorption of appointees named in List (ii) of the report of the Commission, being appointees against posts for which recommendations were sent by the universities to the State up to the cutoff date in accordance with the decision of the State Government conveyed in its letter dated 19811986 followed by letters dated 2581986 and 1261987. In considering the question of absorption of appointees named in List (ii) of the report of the Enquiry Commission, the universities concerned shall rely on the contents of the report of the Enquiry Commission and the present judgment of this Court. 5. The appointees mentioned in List (iii), being the appointees against posts for which recommendations 22 were sent by the universities to the State Government after the cutoff date or those working against posts for which no recommendations were sent for approval of the State Government, have no right of being considered for absorption - whatever may be the fortuitous circumstances or otherwise in the matter of not sending recommendations for sanction in their cases. The negative report of the Enquiry Commission with regard to List (iii) is accepted and the universities are directed to exclude all such appointees named in List (iii) from consideration for absorption. 6. A large number of objections to the report of the Enquiry Commission filed before us by associations of employees and individuals pertain to the alleged lack of prescribed qualifications for the posts on which they are working. All those objectors have not been recommended for absorption in the report of the Enquiry Commission. Decision in individual cases, with due regard to the qualification of each employee and corresponding statute applicable at the relevant time prescribing qualifications, if any, for the teaching and nonteaching posts, shall be

taken by the universities based on the findings in the report of Justice Agrawal Commission and in the light of the legal position explained above.

21. The Committee shall formulate the broad guidelines within four months and individual cases shall be decided by the Universities within three months thereafter. The Universities shall provide an opportunity to all the claimants for furnishing necessary documents, for which a notice shall be issued by the Universities. 22. All writ petitions in this batch stand disposed of. W.P.(S) No. 4846 of 2007 23. The petitioner no. 1 is claiming shifting of his date of absorption from 30.04.1986 to 06.01.1981 and the petitioner 23 no. 2 is claiming shifting of his date of absorption from 30.04.1986 to 10.07.1978. The petitioners have claimed that they were appointed on 06.01.1981 and 10.07.1978 respectively, however, it is an admitted position that the post on which the petitioners were appointed were sanctioned only on 14.08.1981. There is no recommendation for permanent appointment of the petitioners on the posts and while so, in terms of the Government's decision which has been uniformly applied to all the teachers, the date of absorption has been fixed as 30.04.1986. The letter, issued by the Government of Jharkhand by which provisional pay in UGC scale was fixed, has rightly fixed the petitioners' date of substantive appointment as 30.04.1986. On this count, I find no infirmity, however, insofar as, prayers for grant of promotions to the post of Reader and Professor are concerned, the claim of the petitioners shall be dealt in the light of order passed in W.P.(S) No.3375 of 2016 and batch cases.

24. The writ petition being W.P.(S) No. 4846 of 2007 stands disposed of. W.P.(S) No. 2977 of 2010 25. By filing supplementary affidavit dated 20.04.2017, the petitioner insist that this writpetition may be decided on merits. 26. Challenge in the writpetition is to letter dated 17.03.2008 issued by the Jharkhand Public Service Commission by which it has declined to accept the recommendation of the Screening Committee of Vinoba Bhave University for promotion from the post of Reader to the post of University Professor. The ground taken is that the petitioner did not attain the eligibility as on 22.09.1995. Applicability of the Statutes which were assented to by the Chancellor on 23.09.1995 has been decided by the order passed in the batch cases and, therefore, in my opinion, the issue involved here requires to be examined by the University in 24 the light of directions issued in

W.P.(S) No.3375 of 2016 and batch cases.

27. The writ petition being W.P.(S) No. 2977 of 2010 stands disposed of. 28. I.A. Nos. 6340 of 2015 and 3560 of 2017 in W.P.(S) No. 4846 of 2007, I.A. No. 178 of 2014 in W.P.(S) No. 4657 of 2009, I.A. No. 6464 of 2013 in W.P.(S) No. 2977 of 2010, I.A. No. 3997 of 2014 in W.P.(S) No. 2643 of 2011, I.A. No. 5444 of 2015 in W.P.(S) No. 2767 of 2014, I.A. No. 838 of 2017 in W.P.(S) 5675 of 2016, I.A. No. 837 of 2017 in W.P.(S) No. 5676 of 2016 and I.A. No. 836 of 2017 in W.P.(S) No. 5678 of 2016 also stand disposed of. (Shree Chandrashekhar, J.) Tanuj/SI/Sudhir AFR

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