

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 166/2019

[Arising out of impugned final judgment and order dated 19-01-2018 in WA No. 41524/2014 passed by the High Court of Judicature at Allahabad]

VICE CHANCELLOR RASHTRIYA SANSKRIT SANSTHAN & ANR. Petitioner(s)

VERSUS

RAMESH CHANDRA HOTA & ORS.

Respondent(s)

(IA No. 177181/2018 - EXEMPTION FROM FILING O.T.)

Date : 25-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) : Mr. Gyanprakash, Adv.
Ms. Ruchi Gupta , AOR

For Respondent(s) : Mr. Indrajeet Singh, Adv.
Mr. Ravi Kumar Tomar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Arising out of the judgment dated 19.01.2018 passed by the High Court in Writ Appeal No. 41524 of 2014, the present petition has been filed. The High Court, by the impugned order, has observed as under :

"Considering the facts and circumstances of the case, prima facie petitioner is entitled for promotion to the post of Assistant Professor as he has fulfilled the requisite norms i.e. 48.6% marks in post graduation, having Ph.D Degree as well as NET qualified and has also been completed 16 years of service hence the petitioner is entitled for promotion to the post of Assistant Professor. The authorities concerned is directed to pass appropriate order regarding notional promotion of the petitioner, after verifying his testimonial. Since the petitioner has

retired , his notional promotion will be considered on the date of his superannuation from the date from which other candidates was promoted on the post of Assistant Professor and differences/arrears of salary shall be given to the petitioner early as possible or within 3 months.

With the aforesaid observation, the writ petition is hereby allowed."

2. After hearing learned counsel for the parties at length and in the peculiar facts of the case, we are of the view that as the respondent herein has already attained the age of superannuation on 31.03.2011, therefore, we are not inclined to interfere in the order impugned in exercise of our jurisdiction under Article 136 of the Constitution of India. As such, we make it clear that Respondent No. 1, Ramesh Chandra Hota would be entitled to the notional promotion and all other consequential benefits, as permissible.

3. In view of the foregoing, the present Special Leave petition stands disposed of.

4. Pending applications, if any, shall stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
COURT MASTER