

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18572 of 2019

1. Deepak Kumar S/o Surendra Singh Resident of Village and P.O.- Boaria, P.S.- Motipur, District- Muzaffarpur, presently posted as Peon in Nitishwar College, Muzaffarpur, District- Muzaffarpur
2. Dharmendra Kumar Singh @ Dharmendra Kumar S/o Ram Raj Singh Resident of Behind of Mahila Thana, Bankmen Colony, P.O. and P.S.- Hajipur, District- Vaishali at Hajipur, Presently posted as Lab Boy, R.N. College, Hajipur, District- Vaishali at Hajipur
3. Ajay Kumar S/o Ramadev Bhagat Resident of Village- Chhipi Tola, P.O. and P.S.- Hajipur, District- Vaishali at Hajipur, presently posted as Peon, R.N. College, Hajipur, District- Vaishali at Hajipur
4. Mithilesh Kumar S/o Shankar Rai Resident of Village- Chak Apsaid, P.O.- Parmanandpur, P. S.- Sonepur, District- Saran at Chapra, presently posted as Peon, R.N. College, Hajipur, District- Vaishali at Hajipur
5. Jitendra Kumar S/o Late Ram Sweak Rai Resident of Village- Panapur Khurd, P.O.- Bishundutpur, P.S.- Kanti, District- Muzaffarpur, presently posted as Peon, M.P. Sinha Science College, Muzaffarpur, District- Muzaffarpur
6. Awadh Kishore Singh S/o Shankar Singh Resident of Village - Puraina, Rachhopali, P.s.- Puraina, District- Siwan, presently posted as Peon, R.N. College, Hajipur, District- Vaishali at Hajipur
7. Md. Iliyas S/o Md. Ismil Ward No. 3, Rajasan, P.S.- Hajipur, District- Vaishali at Hajipur, presently posted as Peon, R.N. College, Hajipur, District- Vaishali at Hajipur

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Director Higher Education Education Department, Govt. of Bihar, Patna
4. The Vice Chancellor B.R.A. Bihar University, Muzaffarpur
5. The Registrar B.R.A. Bihar University, Muzaffarpur
6. The Principal Nitishwar College, Muzaffarpur, District- Muzaffarpur
7. The Principal M.P. Sinha Science College, Muzaffarpur, District- Muzaffarpur
8. The Principal R.C. College, Hajipur, District- Vaishali at Hajipur

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Vijay Kumar Singh, Advocate
For the Respondents	:	Mr. Madhukar Mishra SC 16
For the University	:	Mr. Satyendra Narayan Singh, Advocate



**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT**

Date : 17-02-2020

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the respective respondents.

The grievance of the petitioners in the writ application is discrimination in the matter of grant of promotion to Class III from Class IV post. Similarly circumstanced persons, even junior to the petitioners, have been granted promotion on the ground that they were working under the University whereas the University has ignored the case of the petitioners for promotion merely on the ground that they were working in the Colleges.

Learned counsel for the petitioners has placed reliance on Annexure-7 to demonstrate that in consideration of the recommendation of the Statutory Promotion Committee and subsequent approval of the Syndicate, the Vice-Chancellor granted promotion to other 40 Class IV employees to Class III post (Lower Division Clerk).

The approach of the respondents in drawing distinction between the similarly circumstanced class IV employees only on the basis of their postings in the University and the College is without any application of mind and not based on reason. Such



action cannot stand the test of reasonableness and rationality as provided under Articles 14 and 16 of the Constitution of India.

Accordingly, the writ application is disposed of with a direction to the respondents to consider the case of the petitioners for promotion from Class IV post to Class III post. If the petitioners are otherwise eligible for promotion from Class IV post to Class III post, necessary decision in this regard shall be taken by the respondents at the earliest preferably within a period of three months from the date of receipt/ production of a copy of this judgment.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.02.2020
Transmission Date	N.A.

