

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1259 of 2021

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Mohit Mandal, aged about 46 years, Male Son of Late Prayag Mandal, resident of Village - Ramganj, Ward No. 2, Post Office and Police Station- Madhubani, District - Madhubani.

... .. Petitioner/s

Versus

1. The Lalit Narayan Mithila University through its Registrar, Kameshwar Nagar, Darbhanga.
2. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Establishment Committee for the appointment of the employee on compassionate ground, Kameshwar Nagar, Darbhanga.
5. The Principal, J.N. College, Madhubani, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate
		Mr. Santosh Kumar Verma, Advocate
For the Respondent/s	:	Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 29-03-2022

Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

The petitioner by way of this writ petition claims his promotion/up-gradation to Class-III post from the year 2006



instead of 2013, that is from the date he has been given the benefit vide order dated 16.01.2018. Learned counsel submits that earlier he has filed a writ petition and then he has also approached this Court by preferring a contempt petition wherein the order was passed. Learned counsel submits that he is similar placed and qualified to persons having promoted with effect from 2006, therefore, he also deserves to be given the same benefit.

I have considered the submission, a look at the order passed by this Court in favour of the petitioner would show that the High Court passed following order.

“In the circumstances, the writ application is disposed of with a direction to the respondent-university to consider the case of petitioner for his promotion/upgradation to class III post. If the same has been granted to other class IV employees, appointed later, under the Rules.

It goes without saying that if the petitioner is promoted, he would be entitled to other consequential benefits-monetary as well as seniority in the grade as per law.”

It appears that though the compliance of the order was made belatedly on 16.01.2018, promotion was given to the petitioner and benefits were also extended from 31st January, 2013. There is no order of this Court to give him benefit from 2006. Although the order of 2006 was there before the High Court earlier to. The second writ petition for claiming the same benefit,



would therefore not lie. In the considered opinion of this Court, the petitioner has been given his due benefit, no further claim is made out.

The writ petition is without merit, stands dismissed.

(Sanjeev Prakash Sharma, J)

Anand Kr.

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Uploading Date	
Transmission Date	

