

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2239 of 2023

1. Indrasen Kumar, Son of Balram Prasad, Resident of Village- Basaitha, Via-Bakhra, P.S. Saraiya, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Examination Department, Part-III, B.R.A. Bihar University, Muzaffarpur.
2. Sandeep Kuamr, Son of Devendra Pandey, Resident of Mohalla- Krishna Nagar, Khabra, P.S. Muzaffarpur Sadar, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Examination Department, Part-III, B.R.A. Bihar University, Muzaffarpur.
3. Tunna Mahto, Son of Shavari Mahto, Resident of Ward No.14 Mohanpur Rakhat, P.S. Mohanpur, District- Samastipur, Presently Working as a 4th Grade Daily Wager in Health Centre, B.R.A. Bihar University, Muzaffarpur.
4. Sanjay Kumar, Son of Harendra Mahto, Resident of Ejaji Lane, Vaishakhi Ram Lane, Motijheel, P.S. Muzaffarpur Town, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Legal Section, B.R.A. Bihar University, Muzaffarpur.
5. Ranjan Ram, Son of Nagina Ram, Resident of Mohalla- Krishnapuri Gali, Naya Tola, P.S. Kazi Mohammadpur, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager (Sweeper) in Examination Department, B.R.A. Bihar University, Muzaffarpur.
6. Vijendra Kumar, Son of Madan Ram, Resident of East of S.D.M. Quarter, East Quarter, Damuchak, P.S. Kazi Mohammadpur, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Store, Examination Department, B.R.A. Bihar University, Muzaffarpur.
7. Bhola Mahto, Son of Ramjanam Mahto, Resident of Near Pushpanjali Gas Godown, Dumri, Gobarsahi, P.S. Muzaffarpur Sadar District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Store, Examination Department, B.R.A. Bihar University, Muzaffarpur.
8. Amarkant Yadav, Son of Yogendra Yadav, Resident of Village- Jokahi, P.S. Laukaha, District- Madhubani, Presently Working as a 4th Grade Daily Wager in Confidential Section, B.R.A. Bihar University, Muzaffarpur.
9. Mukesh Kumar Thakur, Son of Rajendra Thakur, Resident of Peon Quarter, Gannipur, Near University Press, P.S. Muzaffarpur Sadar District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Examination Department, Part-I, B.R.A. Bihar University, Muzaffarpur.
10. Nanki Sah, Son of Late Chatur Sah, Resident of Village- Sudwara, P.S. Kurhani, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in the residence of Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
11. Sadhana Devi, Wife of Dina Nath Mahto, Resident of P.G. Boy's Hostel No.5, B.R.A. Bihar University Muzaffarpur, P.S. Kazi Mohammadpur, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in University Mathematics Department, B.R.A. Bihar University, Muzaffarpur.
12. Chinta Devi, Wife of Mandal Thaur, Resident of B.U. Campus, Guest House, P.S. Kazi Mohammadpur, District- Muzaffarpur Presently Working as



a 4th Grade Daily Wager (Maid Servant) in the residence of Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.

13. Sushila @ Sushila Devi, Wife of Uday Sah, Resident of Ward No. 28 P.G. Girls Hostel No.4, B.U. Campus, P.S. Kazi Mohammadpur, District Muzaffarpur, Presently Working as a 4th Grade Daily Wager in P.G. Girls Hostel, B.R.A Bihar University, Muzaffarpur.
14. Rakesh Ram, Son of Raghuveer Raute, Resident of near Durga Mandir, Chakwasu, Ramna, P.S. Mithanpura, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Health Centre, B.R.A. Bihar University, Muzaffarpur.
15. Devanand Diwakar, Son of Parmanand Singh, Resident of Pupri Urf Nuripur, P.O. Dariyapur Kafan, P.S. Kudhani, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Engineering Section, B.R.A. Bihar University, Muzaffarpur.
16. Navin Kumar Mishra, Son of Jay Kishore Mishra, Resident of Village- Lohsan, P.S. Bochahan, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Engineering Section, B.R.A. Bihar University, Muzaffarpur.
17. Ramayan Kumar, Son of Ramchandra Yadav, Resident of Village- Barmatpur, Khabra, P.S. Muzaffarpur Sadar, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in residence of Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
18. Binod Kumar, Son of Mahendra Ray, Resident of Village- Khir Kawan, Warispur, P.S. Bhagwanpur, District- Vaishali at Hajipur, Presently Working as a 4th Grade Daily Wager in Post Graduate Section, Examination Department, B.R.A. Bihar University, Muzaffarpur.
19. Sanjay Kumar, Son of Ram Chandra Rai, Resident of Behind S.D.O. Kothi, Damuchak, P.S. Muzaffarpur Town, District- Muzaffarpur, Presently Working as a 4th Grade Daily Wager in Degree Section, Examination Department, B.R.A. Bihar University, Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur through the Registrar.
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The Finance Officer, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

... .. Respondents



Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27
For the University : Mr. Indrajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners, learned counsel for the Baba Saheb Bhim Rao Ambedkar Bihar University (hereinafter referred to as the 'University') and learned counsel for the State.

2. Petitioners in the present case are seeking the following reliefs:-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to regularize the services of the petitioners on the ground that the petitioners are working as a 4th Grade Employees in the Respondent University as daily wagers continuously since long and the services of similarly situated persons have already been regularized by the Respondent University ignoring the better claim of the petitioners.

(II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent University to grant consequential benefit of service counting the services of the petitioners from the date of their initial appointment.

(III) For issuance of any other appropriate writ/writs, order/orders direction/directions for



which the writ petitioners would be entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that similarly situated daily wage employees of Langat Singh College, Muzaffarpur approached this Court for regularization of their services by filing CWJC No. 9440 of 2016 which was disposed of by a Bench of this Court vide judgment and order dated 09.05.2019 with direction to the Respondent University to consider the case of the petitioners for regularization of their services in the light of the facts of the case and in view of the judgment of the Hon’ble Supreme Court in the case of **Amarkant Rai Vs. State of Bihar and Others** reported in **(2015) 8 SCC 265**. It is stated that pursuant to the judgment of this Court in CWJC No. 9440 of 2016, those petitioners have been regularized as 4th grade employees of the Langat Singh College, Muzaffarpur. Their initial date of appointment as daily wager was of the year 1990. Petitioners have relied upon Annexure ‘P-10’ and Annexure ‘P-11’ of the writ application.

4. Learned counsel has also relied on the Hon’ble Division Bench judgment of this Court in **LPA No. 1491 of 2012** (Annexure ‘P-8’).

5. Learned counsel for the University submits that



whether the case of the petitioners stand on similar footing with those who were the petitioners in Annexure 'P-10' would be a matter of consideration by the competent authority and any decision may be taken with regard to the petitioners on similar line only if it is found that the petitioners stand on identical footing with those who have been given the benefit of regularization vide Annexure 'P-11'.

6. This Court finds from the averments made in the writ application that petitioners have filed representations as contained in Annexure '4 Series' to the writ application which are still pending consideration before Respondent No. 5.

7. In the nature of the submissions advanced before this Court, this Court deems it just and proper to direct the Vice-Chancellor of the University (Respondent No. 5) to consider the representations of the petitioners keeping in view the judgments of this Court on which reliance has been placed and upon consideration, an appropriate decision be taken within three months from the date of receipt/production of a copy of this order.

8. While considering the representation of the petitioners, if it is found that the petitioners are identically placed to those who have been given benefit of regularization



vide Annexure ‘P-11’, the Respondent No. 5 shall follow the principle of parity.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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