

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3631 of 2023

1. Arvind Kumar, Son of Nathu Ram, Resident of Vice Chancellor Office, B.R.A. Bihar University, Nayatola, Muzaffarpur, P.S. University, District- Muzaffarpur, Presently Working as Driver of Vice Chancellor Office, B.R.A. Bihar University, Muzaffarpur
2. Sanjiv Kumar, Son of Bhupal Singh, Resident of Village- Bahadurpur, P.S. Athmalgoa, District- Patna, Presently Working as a 3rd Employee in Development Office, B.R.A. Bihar University, Muzaffarpur
3. Akshay Kumar, Son of Ashok Kumar Dwivedi, Resident of Village- Dumari Dubey Tola, P.O. Ladaura Pakri, P.S. Muzafarpur Sadar, District- Muzaffarpur, Presently Working as a 3rd Employee in Pro-Vice Chancellor Office, Development Office, B.R.A. Bihar University, Muzaffarpur
4. Prince Kumar Pandey, Son of Chandrashekhar Pandey, Resident of Pandey Tola, Bihra, Ward No. 4, P.S. Bihra, District- Saharsa, Presently Working as a 3rd Employee in the office of College Inspector, B.R.A. Bihar University, Muzaffarpur
5. Abhishek Kumar, Son of Madan Gopal Singh, Resident of Village- Supna, P.O. Ajijpur, P.S. Saraiya, District- Muzaffarpur, Presently Working as a 3rd Employee in the Legal Section, B.R.A. Bihar University, Muzaffarpur
6. Syed Mustaque Ahmad, Son of Syed Moiz Ahmad, Resident of Village- Chachameli, Dhobghatti Sarai, P.S. Hajipur Sadar, District- Vaishali at Hajipur, Presently Working as a 3rd Employee in University Press, B.R.A. Bihar University, Muzaffarpur
7. Amar Sundaram, Son of Paswan Kumar Shrivastava, Resident of Parao Pokhar Lana No.1, Amgola, Sadpura, P.S. Kazi Mohammadpur, District- Muzaffarpur, Presently Working as a 3rd Employee in Department of History, B.R.A. Bihar University, Muzaffarpur
8. Rajesh Kumar, Son of Damodar Prasad Roy, Resident of Roy Niketan, Opposite Chief Irrigation Office, Kalambag Road, P.S. Muzaffarpur Town, District- Muzaffarpur Presently Working as a 3rd Employee in Pension Section, B.R.A. Bihar University, Muzaffarpur
9. Manoj Kumar, Son of Hare Ram Singh, Resident of Village and P.O. Naula, P.S. Bhagwanpr, District- Begusarai, Presently Working as a 3rd Employee in University Press, B.R.A. Bihar University, Muzaffarpur
10. Santosh Singh, Son of Jagmohan Singh, Resident of Village and P.O. Sarharwa, District- Siwan, Presently Working as a 3rd Employee in Pension Section, 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 Mr. Abhinav Shandilya, Advocate
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC-16
For the University	:	Mr. Indrajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Baba Saheb Bhim Rao Ambedkar Bihar University (hereinafter referred to as the ‘University’).

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

“(I) For issuance of an appropriate writ in the nature of MANDMUS commanding and directing the Respondent Authorities to regularize the services of the petitioners on the ground that the petitioners are working as a 3rd 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. Mr. Vijay Kumar Singh, learned counsel for the petitioners submits that the case of these petitioners would be squarely covered by the order of this Court as contained in Annexures ‘P-14’, ‘P-16’ and ‘P-18’ passed in CWJC No. 7473 of 2010, LPA No. 1491 of 2012 and CWJC No. 9440 of 2016 respectively.

4. Learned counsel further submits that the State of Bihar has a litigation policy known as Bihar State Litigation Policy, 2011 and as per Rule 4(c)(1) of the said policy, if the claim of the petitioners are covered by any decision of this Court then such claims are required to be considered at the level of the Department itself without compelling the claimants to litigate the matter in the Court.

5. It is submitted that following the aforesaid view, this Court has disposed of CWJC No. 2239 of 2023 on 01.08.2023 with a direction to the Vice-Chancellor of the University to consider the representations of the petitioners keeping in view the judgments of this Court and take an appropriate decision within a period of three months from the date of receipt/production of a copy of this order.



6. It is submitted that the petitioners are looking for a similar consideration of their representations as well which are contained in Annexures '12' and '12/1' to the writ application.

7. Learned counsel for the State as well as learned counsel for the University submit that they have no objection if this writ application is disposed of in terms of the order dated 01.08.2023 passed in CWJC No. 2239 of 2023.

8. Having regard to the aforementioned submissions, this Court is disposing of the present writ application with a direction to the Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (Respondent No. 5) to consider the representations of the petitioners as contained in Annexures '12' and '12/1' respectively and take an appropriate decision thereon within a period of three months from the date of receipt/production of a copy of this order.

9. The observation made by this Court in paragraph '8' of its order dated 01.08.2023 passed in CWJC No. 2239 of 2023 shall equally apply in case of the petitioners.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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