

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9230 of 2023

1. Sanjeev Ranjan Son of Late Shiv Narayan, resident of village - Sakra Bajeed , P.S. - Sakra, District - Muzaffarpur, presently working as Peon in Dr. R.M.L.S. College, Muzaffarpur, District- Muzaffarpur.
2. Kanhaiya Jha, Son of Late Dayanand Jha, resident of village- Sahwajpur, P.O. Shahbazpur Salem, District - Muzaffarpur, presently working as Peon in L.N.T. College, Muzaffarpur, District- Muzaffarpur.
3. Rajesh Kumar Pandit, son of Shatrudhan Pandit, resident of Ward No. 46, Rambagh, infront of Mehta Compound, P.O. Ramna, P.S. Muzaffarpur Town, District - Muzaffarpur presently working as Peon in M.S.K.B. College, Muzaffarpur, District- Muzaffarpur.
4. William Kujur, Son of Tanis Kujur, Resident of Tikratolie, P.O. Saparom, District - Ranchi (Jharkhand), presently working as Peon in M.S.K.B College, Muzaffarpur, District- Muzaffarpur.
5. Ajay Kumar, son of Laxmi Mandal, Resident of Ward No. 3, Dhanaur, P.O. Dhanaur, P.S. Katra District - Muzaffarpur, presently working as Peon in J.B.S. Dhanaur College, Bakuchi, District- Muzaffarpur.
6. Ramesh Chaudhary, son of Kailash Chaudhary, resident of M.D.D.M. College, Club Road, P.O. Ramna, District- Muzaffarpur, presently working as Peon in M.D.D.M. College, Muzaffarpur.
7. Amresh Kumar, Son of Kedar Thakur, Resident of Village and P.O. Ratnauli, P.S. Kurhani, District- Muzaffarpur, presently working as Peon in M.D.D.M. College, Muzaffarpur.
8. Lal Babu Choudhary, Son of Rajendra Chaudhary, resident of village- Dariyaur Kafan, P.O. Daria Chhapra, District- Muzaffarpur, presently working as Peon in M.D.D.M. College, Muzaffarpur.
9. Ram Shankar Kumar, Son of Kishore Narayan Sharma, resident of village- Hari Shankar Maniyari, P.O. Silout, P.S. - Maniyari, District- Muzaffarpur, presently working as Peon in M.D.D.M. College, Muzaffarpur.
10. Ranjeet Paswan, Son of Late Devi Nandan Paswan, resident of village- Sakra Faridpur, P.S. - Sakra, District- Muzaffarpur, presently working as Peon in R.C. College, Sakra (Dholi), District - Muzaffarpur.
11. Santosh Kumar Mandal, Son of Late Kapildeo Mandal, resident of village and P.O. Madanpur, District - Sitamarhi, presently working as Peon in R.M.L.S. College, Muzaffarpur, District- Muzaffarpur.
12. Ram Charan Sahani, Son of Leela Sahni, resident of Mohalla - Sikandapur Kundal, P.S. Muzaffarpur Town, District- Muzaffarpur, presently working as Peon in Rameshwar College, Muzaffarpur, District - Muzaffarpur.
13. Shiv Shankar Sahani, Son of Late Manai Sahani, resident of Mohalla - Sikandapur Kundal, P.S. Muzaffarpur Town, District- Muzaffarpur, presently working as Night Guard in Rameshwar College, Muzaffarpur, District- 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. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. The Registrar, B.R.A. Bihar University, Muzaffarpur.
6. The Principal, R.M.L.S. College, Muzaffarpur, District- Muzaffarpur.
7. The Principal M.D.M. College, Muzaffarpur, District- Muzaffarpur.
8. The Principal L.N.T. College, Muzaffarpur, District - Muzaffarpur.
9. The Principal, M.S.B.H. College, Muzaffarpur, District - Muzaffarpur.
10. The Principal, R.C. College, Sakra (Dholi), District - Muzaffarpur.
11. The Principal, Rameshwar College, Muzaffarpur, District- Muzaffarpur.
12. The Principal J.B.S. Dhanaur College, Bakuchi (Katra), District - Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Vijay Kumar Singh, Advocate
For the State	:	Mr.Madhaw Prasad Yadaw, GP-23
For the University	:	Mr.Rakesh Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners, learned
counsel for 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 grant promotion to the petitioners against Class-III post on the basis of their eligibility and seniority in services of the University as Class-IV employee on the ground that similarly situated persons even junior that the petitioners were granted promotion by the University such as, the respondent University had granted promotion of at least 40 Class-IV employees working under University vide office order contained in memo no. B/386 dated 06.06.2017 issued under the signature of the Respondent no. 5 as also seven Class-IV employees working in different colleges vide memo



no. B/117 dated 08.09.2020 pursuant to the direction of this Hon'ble Court vide order dated 17.02.2020 passed in C.W.J.C. No. 18572 of 2019 but the Respondent University ignored the promotion of the petitioners merely on the ground that they are working in the Colleges.

(II) For issuance of an appropriate writ in the nature of mandamus commanding and directing the Respondent Authorities to grant promotion to the petitioners to Class-III post since the date when their juniors or similarly situated persons were granted such promotion as also grant the consequential monetary benefits for the date of their entitlement.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners shall be found entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that while petitioner no. 1 was appointed as Peon in Dr. R.M.L.S. College, Muzaffarpur, petitioner nos. 2 and 12 were appointed as Peon in L.N.T. College, Muzaffarpur and Rameshwar College respectively. As regards other petitioners also, statements have been made in the writ application saying that they were appointed as fourth grade employee in different colleges on different dates.

4. It is claimed that these petitioners are discharging their duties with effect from the date of their respective joining in the concerned colleges, to the full satisfaction of the authorities concerned. They have also been confirmed.

5. The grievance of the petitioners is that they are not being considered for promotion to Class-III posts.

6. Learned counsel for the petitioners submits that



two different yardsticks are being adopted by the University for the University employees and the college employees without there being any reasonableness and nexus to the object to be achieved. A categorical statement has been made that similarly situated six employees like the petitioners of other colleges had approached this Court in C.W.J.C. No. 18572/2019 and after considering their cases, this Court passed the order dated 17.02.2020 (Annexure 'P-20' to the writ application), in which it has been held that the approach of the respondent University in drawing distinction between similarly circumstanced Class-IV employees on the basis of their place of posting in the University and the College is not based on reasons and cannot withstand the test of reasonableness.

7. Learned counsel for the petitioners submits that Annexure 'P-20' to the writ application has been followed by another order passed by this Court in C.W.J.C. No. 10808/2021 and C.W.J.C. No. 4125/2021, therefore, the submission is that this writ application be also disposed of in similar terms with consequential benefits.

8. Learned counsel for the University and the State are present. Even as they have no instruction as on today, learned counsel submit that this writ application may be



disposed of with a direction to the University to examine the case of the petitioners in the light of the judgments of this Court cited in the writ application and upon such examination the University may take appropriate step if the case of the petitioners is found identical.

9. In the aforesaid view of the matter, this Writ Application is being disposed of with a direction to the University to examine the case of the petitioners in the light of the judgments contained in Annexure 'P-20', 'P-22' and 'P-23' to the writ application within a period of three months from the date of receipt/production of a copy of this order.

10. In case, it is found that the petitioners are similarly situated and their cases are standing on same footing with those petitioners, the University as well as the State shall be obliged to take necessary decision with regard to the petitioners towards grant of promotion and other consequential benefits.

11. This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

