

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2189 of 2019

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Ajay Kumar Ajay S/o- Budhdeo Yadav R/o- Village- Mohanpur, Belhar, P.O- Saramohanpur,P.s. and District- Darbhanga, Presently Working as Peon at University Head Quarter, L.N. Mithila University, Darbhanga

... .. Petitioner.

Versus

1. The State of Bihar and Ors The Principal Secretary, Education Department , Govt. of Bihar, Patna
 2. The Principal Secretary Education Department, Government of Bihar, Patna
 3. The Vice-Chancellor Lalit Narayan Mithila University, Darbhanga
 4. The Registrar Lalit Narayan Mithila University, Darbhanga
 5. The Finance Officer Lalit Narayan Mithila University, darbhanga
- Respondents.

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Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Madanjeet Kumar, GP-20
		Mr. Narendra Kumar, AC to GP-20
For the L.N.M.U.	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 11-03-2024

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the University.

2. The present writ application has been preferred for 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 petitioner to class-III post from the date i.e. 29.6.2007 the petitioner has been continuously working as class-III employee with requisite qualifications in the light of law laid down



by the Hon'ble High Court in CWJC No. 14646 of 2009, order dated 22.11.2018 and grant all consequential benefit on account of promotion to the post of class-III.

Or

(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondent authorities to grant promotion to class-III post in view of result published by the University on 24.11.2015, since out of 18 candidates posted at Head quarter and Post Graduate departments, 10 candidates are junior to the petitioner, moreover 148 posts are still vacant in Head quarter and post graduate departments under L.N. Mithila university, Darbhanga and further a direction to grant consequential benefit from the date to the petitioner have been promoted.

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

3. Although the petitioner was appointed on Class-IV post but from the date of appointment he was assigned to discharge the duty of Class-III orally and has been regularly discharging the duty of higher responsibility in different cell of



the University to the satisfaction of his higher authority. Hence, he is entitled to be promoted on Class-III post and all the monetary benefits of the said posts be paid to him. The further grievance of the petitioner is that his case is fully covered by the judgment dated 22.11.2018 passed in C.W.J.C. No.14646 of 2009.

4. In such view of the matter, I direct the petitioner to file a detailed representation before Registrar, Lalit Narayan Mithila University, Darbhanga (respondent no.4) within six weeks and respondent no.4 shall dispose of the representation of the petition by a reasoned order after affording ample opportunity of representing his cause personally or through his counsel.

5. Needless to state that respondent no.4 shall be personally liable for non-compliance of this order.

6. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2024
Transmission Date	NA

