

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8248 of 2021

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Deepak Kumar, Son of Late Chandradhan Rai, Resident of Mohalla-
Gaurakshani, P.S. Sasaram (T), District-Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Veer Kunwar Singh University, Arrah, through its Registrar, At- Arrah, P.O. and P.S. - Arrah, District - Bhojpur, Bihar.
5. The Vice Chancellor, Veer Kunwar Singh University, Arrah, At - Arrah, P.O. and P.S. - Arrah, District - Bhojpur, Bihar.
6. The Registrar, Veer Kunwar Singh University, Arrah, At-Arrah, P.O. and P.S.- Arrah, District - Bhojpur, Bihar.
7. The Finance Officer, Veer Kunwar Singh University, Arrah, At - Arrah, P.O. and P.S. - Arrah, District - Bhojpur, Bihar.
8. The Principal, S.P. Jain College, Sasaram, P.O. and P.S. Sasaram, District - Rohtas, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Advocate
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey (AAG15)
		Mr.Priyadarshi Matri Sharan, AC to AAG 15
For V.K.S.U	:	Mr.Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 02-12-2024 The petitioner was appointed on 9th of November, 2001, as a Routine Clerk of a constituent college, in Veer Kunwar Singh University (hereinafter referred to as the “VKSU”) on compassionate ground. In the year 2007, a Promotional Committee was set up by the University for offering promotion to the Clerks and other employees of



different colleges and university under VKSU. By notification dated 21st of November, 2007, the petitioner promoted to the post of Assistant. Subsequently, by virtue of Annexure 3 of the writ petition, the University cancelled the notification of promotion dated 21st of November, 2007, and reverted the petitioner back to his parent post. This resulted in institution of several writ petitions, one of which may be referred to as C.W.J.C. No. 16358 of 2011 (Lallu Prasad vs. The State of Bihar & Ors.). The said writ petition was disposed of on 16th of December, 2011, directing the authorities of the university to proceed further in the matter in accordance with law after giving opportunity to the concerned employees including giving reasons as to why their promotion were not valid and take a decision in the matter by passing speaking order.

2. In view of the aforesaid order passed by this Court, an Enquiry Committee was set up to consider if the order dated 21st of November, 2007 was valid or not. The Enquiry Committee found that the order dated 21st of November, 2007 was valid. However, it was held by the Enquiry Committee that the employees of the constituent colleges under VKSU would get their salary in promotional scale only when the State Government would release the fund.



3. The petitioner submitted series of representations during the period between 30th of May, 2014 to 4th of February, 2021, but his grievance related to salary was not looked into and satisfied, so is the instant writ petition.

4. It is submitted by the learned Advocate for the respondents/university that admittedly the petitioner was appointed as Routine Clerk. The post of Routine Clerk is a post of Lower Division Clerk (hereinafter referred to as the “LDC”). From LDC, he was entitled to be promoted to Upper Division Clerk (hereinafter referred to as the “UDC”) but out of inadvertence the promotion committee and the subsequent Enquiry Committee recorded his promotion as Assistant and LDC cannot be directly promoted to the Assistant without being the UDC. Therefore, his promotion as Assistant was not considered and as such, he was not paid his salary as Assistant.

5. This submission was strongly denied by the learned Advocate for the petitioner. It is submitted by him that the post of Routine Clerk is in the post of UDC and the petitioner was rightly promoted from UDC to the Assistant.

6. Having heard the learned counsel for the parties, this Court finds that it is not possible for this Court to come to a factual decision on the basis of contrary affidavits as to whether



the post of Routine Clerk belongs to LDC or UDC.

7. In view of such circumstances, the instant writ petition is disposed of directing the Registrar VKSU to consider and opine as to whether the post of Routine Clerk was initially in LDC or UDC.

8. On the basis of such report, the pay-scale of the petitioner on next promotional scale shall be fixed and disbursed within 90 days from the date of this order.

9. The instant writ petition is, thus, disposed of.

(Bibek Chaudhuri, J)

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