

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4109 of 2019**

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Ashok Kumar Das, Son of Sri Mohan Das, resident of Lakshmisagar, Saidpur,  
Post- Lakshmisagar, P.S. LNMU Campus District- Darbhanga, presently  
working as Class-IV employee, Legal Cell, Lalit Narayan Mithila University,  
Darbhanga. ... .. Petitioner/s

Versus

1. The State of Bihar through 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/s | : | Mr. Shashi Bhushan Singh, Advocate |
| For the State        | : | Mr. Jitendra Kumar Roy-1, SC-13    |
| For the LNMU         | : | Mr. Bindhyachal Rai, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**

**Date : 15-04-2024**

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  
promote/change the cadre to class-III post  
granting the benefit of reservation like one  
Navina Kumari as 16 sanctioned posts of  
SC category are vacant and for grant of  
consequential benefit thereupon.*



*Or*

*(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the Respondent to grant promotion to class-III post in view of laid by the Hon'ble High Court in CWJC No.14646/09 dated 22.11.2018, by which it has been held that employees is entitled to be promoted to the post of class-III upon which the employee is working with requisite qualification, as the petitioner is discharging duty of class-III w.e.f. 25.09.2009 under the direction of superior authority.*

*(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 and speaking order after affording ample opportunity of representing his cause personally or through his counsel within eight weeks thereafter.

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/-

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| AFR/NAFR          | NAFR        |
| CAV DATE          | NA          |
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