

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16446 of 2014

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Triloki Nath Pandey S/o Dr. Jagatanand Pandey R/o Vill. P.O. - Malaur, P.S. Charpokhari, Dist. Bhojpur Ara at present residing at House No. A- 1, Road No. 2, Adarsh Vihar Colony, Rukanpura, Near Jagdeopath Petrol Pump, Patna - 800014.

... .. Petitioner/s

Versus

1. The Principal Secretary Human Resource Department
2. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
3. The Vice-Chancellor, Bihar Agricultural University, Sabour, Bhagalpur - 813201.
4. The Registrar, Bihar Agricultural University, Sabour, Bhagalpur - 813201.
5. The Director, Administration, Bihar Agricultural University, Sabour, Bhagalpur - 813201.
6. The Officer-in-Charge Recruitment, Bihar Agricultural University, Sabour, Bhagalpur - 813201.
7. The Vice-Chancellor, Rajendra Agricultural University, Pusa, Samastipur - 848125, Bihar.
8. The Registrar, Rajendra Agricultural University, Pusa, Samastipur - 848125, Bihar.
9. The Officer-In-Charge Recruitment, Rajendra Agricultural University, Pusa, Samastipur - 848125, Bi
10. The Director, Administration, Rajendra Agricultural University, Pusa, Samastipur - 848125, Bihar.
11. The Bihar Animal Sciences University, Veterinary College, Sheikhpura, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Senior Advocate Mr. Sanket, Advocate
For the Respondent/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Sriram Krishna, Advocate Mr. Abhijeet Gautam, Advocate Mr. Amarjeet, Advocate Mr. Prabhat Kumar Singh, Advocate
For the State	:	Mr. Ajay Behari Sinha, G.A.-8 Mr. Suryakant Kumar, A.C. to G.A.-8

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 03-01-2024 Heard the parties.



2. The present case is an example of how a person is made to suffer only because after taking his educating himself, he aspired for a Government job.

3. The present petition has been preferred to issue an appropriate writ(s), order(s), direction(s) in the nature of writ of mandamus directing the respondent authorities to appoint the petitioner as per the revised merit list prepared and handed over to Bihar Agricultural University by Rajendra Agricultural University in light of DA, RAU, O.O.No. 13 dated 20.04.2013 and DA, BAU, Sabour O.O. No. 706 dated 14.02.2013 regarding Advt. No. 04/2006 dated 14.11.2006.

4. A bare perusal of the record of the case shows how the petitioner has suffered inasmuch as for ten long years he has made a run in the corridors of the respondent as also before the High Court for the redressal of his grievance. The petitioner was earlier serving as contractual employee in the Department of Veterinary Microbiology, B.V. College, Patna.

5. In the earlier round of litigation vide CWJC No. 6593 of 2009, his case was taken up along with CWJC No. 3581 of 2009 and a bench of this Court on 16.01.2013 directed the respondents to take a decision within four months.

6. As per the writ petition, subsequently a chart was



prepared on 05.07.2013 by the Bihar Agricultural University, Sabour, Bhagalpur and though the name of the petitioner found place on top of the list, he was denied the post on the ground that he is over age and is a contractual employee whereas the age relaxation can be given only to casual employees of the University.

7. Learned Counsel for the petitioner has drawn attention of this Court to a letter issued by the Bihar Veterinary College, Patna vide letter no. 2448 dated 22.11.2008 (Annexure 17 to the writ petition) to show that contrary to the decision taken by the respondent, there is no casual employee in their University rather all of them are working as contractual employee.

8. He further submitted that even Nawneet Kumar who has been taken in was a contractual labour and not a casual labour.

9. He as such submits that he being in the College as a contractual labour since 01.07.2004 till his date of interview as a contractual labour, he was entitled to age relaxation.

10. Subsequent development took place inasmuch as Bihar Animal Sciences University, Patna was carved out of Bihar Agricultural University, Sabour, Bhagalpur in the year



2016.

11. The Bihar Agricultural University chose not to file any counter affidavit whereas the counter affidavit of the State is on record in which a request was made to the Bihar Agricultural University, Sabour to file a reply.

12. A bench of this Court taking into account that a new University has come into existence vide an order dated 13.10.2023 added the Bihar Animal Sciences University as respondent no. 11 and further directed it to file counter affidavit.

13. The counter affidavit of the said newly added respondent no. 11 is on record and they have just shrugged off their responsibility stating that all the process has been completed prior to the creation of the present University and as such, they do not have any thing to do with it.

14. On the one hand, the Bihar Agricultural University chose not to file any reply in view of the fact that now a new University has been carved out, the respondent no. 11 comes out with their reply that since they have come into existence only in the year 2016, they do not have any role to play.

15. In between the petitioner has become a football which is being used by both the Universities according to their convenience.



16. Instead of imposing a cost on the Bihar Agricultural University and/or directing action against the concerned officials, it would be appropriate in the interest of the petitioner as also the University that immediate decision is taken in his case so that no further time gets lapsed.

17. Learned Counsel appearing for the Bihar Agricultural University submits that they have transferred all the files/ materials to the newly created University but in case it is still in their office they shall be transferring it within a period of next four weeks.

18. The Vice Chancellor of the newly added University i.e. Bihar Animal Sciences University will be taking up the matter, will go through the files/records; the petitioner shall be filing fresh representation alongwith all the relevant materials within a period of four weeks from today. Thereafter a decision shall be taken in the matter as early as possible but within a period of three months from the date the representation is filed by the petitioner.

19. It is made clear that failure to do so/take a decision within a period of three months from the date the petitioner files representation may result into initiation of contempt proceeding against the concerned officials.



20. The present order has been passed in the presence of both the learned Counsels appearing on behalf of the Bihar Agricultural University as also the Bihar Animal Sciences University.

21. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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