

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17887 of 2024

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1. Manoj Kumar Singh, Son of Jageshwar Singh, Adarsh Nagar Colony, Nasriganj P.O.- Digha, Patna-12.
 2. Shamim Haider, Son of Haider Ali Sangam Colony, Digha Ghat, Patna-11.
 3. Manish Kumar Sinha, S/o Late Vijay Narayan Sinha, Professor Colony Campus, Opposite St. Xavier's College Ashiana Digha Road, Digha Ghat, Patna-11.
 4. Kumar Ashutosh, Son of Kishori Lal Goswami, LIG, 32 Housing Colony, Kusum Kunj, Barari, Bhagalpur-812003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
2. The Director, Employment and Training, Labour Resources Department, Government of Bihar, Patna.
3. The Joint Director (Training), Directorate of Employment and Training, Labour Resources Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Vijay Kumar Sinha, AC to SC-18

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-11-2024 Heard Mr. Ajit Kumar Sinha, learned counsel for the petitioners and Mr. Vijay Kumar Sinha, learned counsel for the State.

2. The petitioners pray for issuance of a writ in the nature of mandamus seeking a direction upon the respondent authorities to consider their cases for officiating executive charge of the post of Vice Principal (Level-9) under temporary arrangement from the post of Group Instructors (Level-7) with



effect from the date of issuance of the Departmental Notification No. 95 dated 28.12.2023, whereby other Group Instructors even junior to the petitioners have been given officiating executive charge of the post of Vice Principal (Level-9).

3. Learned counsel for the petitioners contended that the claim of the petitioners have not been considered only on account of the fact that the petitioners are Diploma holder, awarded the certificate of Diploma Electrical (Lateral Entry) Engineering from Janardan Rai Nagar Rajasthan Vidyapeeth University, Udaipur. Despite the fact that the Institution in question, accorded recognition by All India Council for Technical Education, the respondent authorities are not giving recognition to the said Institution and thereby denying the claim of the petitioners. To support the aforesaid contention, relevant letters and notifications have been brought on record and marked as Annexures-10 to 13 to the writ petition. Learned counsel for the petitioners also contended that irrespective of having all the qualification to hold the officiating executive charge of the post of Vice Principal (Level-9) under temporary arrangement, the persons junior to the petitioners have been allowed to discharge the duty of Vice Principal (Level-9) ignoring the claim of the petitioners. For redressal of grievance,



the petitioners also approached before all the authorities, including the Director Employment and Training Level Resources Department, Government of Bihar, Patna, however, the grievance of the petitioners came to be rejected by a *non est* reason that the Certificate of Diploma is not recognized by the AICTE.

4. Having heard the parties and taking note of the categorical submissions of the petitioners that the subject Institution from which they have obtained Diploma Certificate is duly recognized from the AICTE, this Court deems it fit and proper to direct the Principal Secretary, Labour Resources Department, Government of Bihar to consider the claim of the petitioners afresh upon verification of the letters/notification which have been brought on record by way of Annexures-10 to 13 to the writ petition.

5. The petitioners are also at liberty to file a fresh representation before the Principal Secretary, Labour Resources Department, Government of Bihar, preferably within a period of two weeks from today with all the relevant documents/notification(s) in support of their claim.

6. In case, such a representation is filed within the stipulated period, the Principal Secretary, Labour Resources



Department, Government of Bihar, shall consider and dispose of the same within a further period of eight weeks.

7. The writ petition stands disposed off with the aforesaid direction and observation.

(Harish Kumar, J)

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