

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16793 of 2023

1. Ranjana Tiwari wife of Indrasen Kumar, resident of village- Basaitha Gadh, P.S. Saraiya, District - Muzaffarpur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
2. Sharad Kumar son of Ram Bihari Shahi, resident of village- Rajkhand, P.S. Aurai, District - Muzaffarpur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
3. Kumar Kartikey son of Pappu Singh, resident of village- Madhura Pur, Puwari Tola, P.S. Teghra. District - Begusarai, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
4. Awnish Kumar son of Suresh Dubey, resident of village- Chak Masud, Nawada, P.S. Vaishali, District - Vaishali at Hajipur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
5. Abhishek Gaurav, son of Mani Bhushan Trivedi, resident of Ward No.9, Rampur Dayal, P.S. Piyar, District - Muzaffarpur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
6. Subhash Kumar, son of Narendra Thakur, resident of village- Ratanpur Abhiman, P.S. Kamtaul, District - Darbhanga, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
7. Rajan Kumar Singh son of Ram Kumar Singh, resident of Lane No.3, Manjhaulia Khetal, P.S. Muzaffarpur Sadar, District -Muzaffarpur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
8. Randhir Kumar son of Ranjeet Kumar, resident of village-Ayama, P.O. Gidha P.S. Saraiya, District Muzaffarpur presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
9. Prabhat Kumar son of Arun Prasad Singh, resident of village- Kubauli Ram, P.S. Bangra, District - Samastipur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
10. Navin Kumar Son of Sunil Kumar, resident of village- Singahi, P.O. Bhagwanpur, P.S. Paroo, District - Muzaffarpur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of



Bihar, Patna.

- 3. The Director Higher Education, Education Department, Government of Bihar, Patna.
- 4. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur through the Registrar.
- 5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
- 6. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
- 7. The Finance Officer, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (Gp17)
For the University : Mr. Vivekanand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“(I) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent-Authorities to regularize the services of the petitioners on the ground that the petitioners are working as a 3rd Grade Employees in the B.R.A. Bihar University as daily wagers continuously since long against the sanctioned vacant posts and the services of similarly situated persons have already been regularized by the Respondent University ignoring the better claim of the petitioners.

(II) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent-University to grant consequential benefit of service counting the services of the petitioners from the date of



their initial appointment.

(III) For issuance of any other appropriate writ / writs, order / orders direction / directions for which the writ petitioners would be entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that the case of the petitioners are squarely covered by orders of this Hon'ble Court passed in *C.W.J.C No. 3631 of 2023*, *L.P.A. No. 1491 of 2012* and in *C.W.J.C No. 9440 of 2016*. Learned counsel further submits that the State of Bihar has a litigation policy known as Bihar State Litigation Policy, 2011 and as per Rule 4(c)(1) of the said policy, if the claim of the petitioners are covered by any decision of this court then such claims are required to be considered at the level of the Department itself without compelling the claimants to litigate the matter in the Court. Learned counsel further submits that in this regard, petitioners have already made a request by filing representations on 11.09.2023 and 25.09.2023 before the Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (Respondent No. 5) but till date, no action has been taken by the respondents.

4. Learned counsel for the State and the University submit that they have no objection if the present writ petition is



disposed of in terms of the order dated 21.08.2023 passed in *C.W.J.C No. 3631 of 2023*.

5. Having regard to the aforesaid submissions, this writ petition is disposed of with liberty to the petitioners to file fresh representation before the Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (Respondent No. 5) along with all the necessary documents and details in support of their claim within a period of four weeks from today.

6. In the event the petitioners file their representation within the stipulated period, the Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (Respondent No. 5) shall examine the claim of the petitioners and dispose of the same, in accordance with law and in light of orders of this Hon'ble Court passed in *C.W.J.C No. 3631 of 2023*, *L.P.A. No. 1491 of 2012* and in *C.W.J.C No. 9440 of 2016*, after hearing the parties, by a reasoned and speaking order, preferably within a period of three months from the date of filing of the representation.

(Prabhat Kumar Singh, J)

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