

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16741 of 2023

Vicky Kumar Son of Bhuneshwar Prasad Singh, resident of village - Moti Chapra, P.O. Lalu Chapra, P.S. Paroo, District - Muzaffarpur, presently working as IIIrd Grade Employee on daily wages basis/contractual basis in University Department of Psychology of 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	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Mr. Madhaw Prasad Yadaw, GP-23
For the University	:	Mr. Indrajesh Kumar, 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 petitioner on the ground that the petitioner is working as a 3rd Grade Employees in the B.R.A. Bihar University as daily wagers continuously since 04.03.2020 against



the sanctioned and vacant posts and the services of similarly situated persons have already been regularized by the respondent-University ignoring the better claim of the petitioner.

(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 petitioner from the date of his 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 petitioner submits that the case of the petitioner is 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 petitioner is 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.

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 petitioner to file fresh detailed 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 his claim within a period of four weeks from today.

6. In the event the petitioner files his 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 petitioner 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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