

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16791 of 2023

1. Ashutosh Anand Son of Sri Arun Kumar Singh @ Arun Singh, Resident of village and P.O. Panchgachia, District - Saharsa, presently residing at Flat No.47, House No.3, Near P.N.B. Bank, B.U. Campus. P.S. Kazi Mohammadpur, District- Muzaffarpur presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
2. Alok Anand, Son of Sri Arun Kumar Singh @ Arun Singh, Resident of village and P.O. Panchgachia, District - Saharsa, presently residing at Hostel No.C/3/47, House No.3, Behind P.N.B. Bank, B.R.A.B.U. Campus, P.S.- Kazi Mohammadpur, District - Muzaffarpur, presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
3. Prince Kumar, Son of Sri Sitaram Singh, Resident of village and P.O. Dariyapur Kaphen, District - Muzaffarpur presently working as IIIrd Grade Employee on daily wages basis /contractual basis in B.R.A. Bihar University, Muzaffarpur.
4. Gautam Kumar, Son of Sri Umesh Singh, Resident of village- Cheriya Bariyarpur, Ward No.18, P.O. and P.S. Bariyarpur, District - Begusarai, presently working as Electrician 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. Ajay Behari Singh (Ga8)
		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 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 representation on 01.09.2023 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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