

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17957 of 2015

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Atal Bihari Singh, Son of Sri Narendra kumar Singh, resident of Chandauli,
P.S. Chorpokhar, District Ara, Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department Government of Bihar, New Secretariat Patna.
3. The Veer Kunwar Singh University, Ara through its Vice Chancellor.
4. The Vice Chancellor, Veer Kunwar Singh University, Ara.
5. The Registrar, Veer kunwar Singh University, Ara.
6. The Principal, Maharaja College, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra, Sr. Adv. Ms. Manini Jaiswal Ms. Adya Pandey
For the State	:	Mr.Abbas Haider, SC 16
For the University	:	Mr. Rajesh Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

C.A.V.

Date : 12-12-2025

By way of present writ petition, the petitioner has prayed for quashing the order dated 03.09.2015, contained in Memo No. Legal-108/12-826/Estab/15, issued under the signature of the Vice Chancellor of the Veer Kunwar Singh University, Ara (herein after referred to as 'the University'), by which the representation of the petitioner, filed in light of the order, dated 01.07.2014, passed by this Court in CWJC No. 20184 of 2014, has been rejected. The petitioner has further prayed for quashing of the



notification, contained in Memo No. 1050/ESTAB/2013, dated 30.07.2013, whereby the absorption of the petitioner on the post of Peon, in Maharaja College, Ara (in short, 'the College') has been cancelled and the earlier notification No. 616/ESTAB/13, dated 01.06.2013, has been recalled. The petitioner has also prayed for revival of earlier notification No. 616/ESTAB/2013 with all consequential financial benefits.

2. The factual matrix of the case is that the petitioner claims to be appointed on 27.01.1986 on the post of Peon, a Class-IV post, in the College, under the staffing pattern and he joined his duties on 01.02.1986. The name of the petitioner figured at serial number 7 in the published staff list, dated 02.03.1986, containing a list of 4th grade employees of the College issued by the Principal of the College.

3. Similarly situated employee, Habibur Rahman, along with other employees, whose names appeared along with the petitioner in the list of 4th grade employees working in the college (at Annexure 3) had earlier approached this Court in C.W.J.C. No. 9535 of 2004, raising an identical grievance regarding regularization of their services. The said writ petition was disposed vide order, dated 28.09.2010, with a direction to the writ



petitioners to file representation before the Vice Chancellor of the University.

4. Pursuant to the aforesaid order, dated 28.09.2010, they filed representation before the Vice Chancellor of the University. The University regularized the services of all the writ petitioners of C.W.J.C. No. 9535 of 2004, vide notification, dated 29.02.2012 annexed at Annexure 5 of the present writ petition. The name of the petitioner appeared in the list of 4th grade employees of the College (Annexure 3) above the writ petitioners of C.W.J.C. No. 9535 of 2004.

5. In view of the aforesaid, the petitioner filed multiple representations, including one, dated 15.03.2012, seeking regularization of his services, but no action was taken by the University on his representation.

6. Being aggrieved, the petitioner filed C.W.J.C. No. 11365 of 2012, seeking direction for regularization of his services as Class IV employee with all consequential benefits. The writ petition was disposed vide order, dated 06.07.2012, with direction to the University to consider the grievance of the petitioner in accordance with law and to pass a reasoned order, specifically dealing with the earlier notification, dated 29.02.2012, by which the services of similar situated persons have been regularized.



7. Following the said order, the University regularized the services of the petitioner, vide notification, as contained in memo no. 616/ESTAB/2013, dated 01.06.2013 (Annexure 9) in light of the decision of the committee, dated 18.05.2012, and recommendation of a three-men committee constituted by the University. The petitioner accordingly joined the post on the same day and, thereafter, the principal of the College wrote to the Registrar of the University regarding pay fixation of the petitioner.

8. Subsequently, all of a sudden, the University issued a fresh notification, as contained in memo no. 1050/ESTAB/2013, dated 30.07.2013, cancelling the notification, dated 01.06.2013, by which the services of the petitioner has been regularized.

9. Aggrieved by the cancellation of the notification by which the services of the petitioner has been regularized, the petitioner approached this Court by filing C.W.J.C. No. 20184 of 2013. The said writ petition was disposed vide order, dated 01.07.2014, granting liberty to the petitioner to file a representation before the Vice Chancellor of the University. The petitioner, accordingly, filed detailed representations, dated 10.07.2014 and 05.09.2014, enclosing all relevant documents before the Vice Chancellor of the University. Thereafter, when the Vice Chancellor of the University failed to pass any order on the



representations filed by the petitioner, the petitioner filed M.J.C. No. 3816 of 2014, seeking initiation of contempt proceedings. The contempt petition was disposed vide order, dated 18.09.2015, noting that a reasoned order dated 03.09.2015 was passed by the Vice Chancellor of the University during the pendency of the contempt proceeding, rejecting the claim of the petitioner. However, the petitioner was granted liberty to the petitioner to challenge the order, dated 03.09.2015, in appropriate proceeding.

10. In view of the aforesaid facts and circumstances and the liberty granted by this Court, the petitioner has filed the present writ application assailing the order, dated 03.09.2015, and notification, dated 30.07.2013, by which the claim of the petitioner for regularization of his services was rejected.

11. Learned Senior Counsel for the petitioner argued that the case of the petitioner stands exactly on the same footing as the case of Habibur Rahman and others, who were appointed along with the petitioner and their names also find place in the list of 4th grade employees (Annexure 3). Habibur Rahman and similarly situated other employees approached this Court in C.W.J.C. No. 9535 of 2004. The said writ petition was disposed with a direction to the Vice Chancellor of the University to consider their grievance, with liberty to them to file a representation. Pursuant to



the said order, the University regularized the services of Habibur Rahman and similarly situated other employees. The petitioner, being identically placed, also filed his representation before the University, but no action was taken. Consequently, he again approach this Court in C.W.J.C. No. 11365 of 2012, which was disposed by granting him liberty to approach the University.

12. Learned Senior Counsel further submits that the University, vide notification, dated 01.06.2013, regularized the services of the petitioner and pursuant thereto, the petitioner joined on the regularized post and started discharging his duties. However, the order regularizing the services of the petitioner was, later on, cancelled vide notification, dated 30.07.2013, on the ground that in view of the interim order passed by the Hon'ble Supreme Court, in S.L.P. No. 12409 of 2013, all actions taken between 27.04.2013 and 26.07.2013 had been annulled. Since the order regularizing the services of the petitioner fell within that period, the same was cancelled.

13. Assailing the order, dated 03.09.2015, learned Senior Counsel submits that the claim of the petitioner has been rejected on erroneous grounds. It is argued that once the services of the petitioner was regularized, the authorities of the University were required to recall the cancellation order, dated 30.07.2013. Instead



of examining the legality of the cancellation order, the respondents rejected the claim of the petitioner, *inter alia*, on the ground that in an affidavit filed before this Court, in C.W.J.C. No. 11365 of 2012, the petitioner disclosed his age as 36 years, which if accepted to be true, at the time of appointment in the year 1986, his age was only 10 years. Learned Senior Counsel submits that the actual date of birth of the petitioner is 01.01.1968, as recorded in the School Leaving Certificate, issued on 08.01.1986 (Annexure 18). The wrong age was mentioned in affidavit portion due to an inadvertent error on the part of the advocate's clerk, which constitutes a bona fide clerical error and could not have been a ground to reject the claim of the petitioner.

14. Learned Senior Counsel further submits that another ground taken in the impugned order is that the petitioner's initial appointment was made without approval of the State Government, under Section 35 (2) of the Bihar State Universities Act, 1976. To rebut this, reliance is placed on a Full Bench decision of this Court, in the case of **Braj Kishore Singh and others v. The State of Bihar and others**, reported in **1997 (1) PLJR 509**, wherein it has been held that appointments made under the staffing pattern are deemed to be sanctioned and lack of formal approval cannot invalidate such appointments.



15. It is next submitted that the impugned order also proceeds on the ground that there is no record of the petitioner's continuous service. Learned Senior Counsel submits that this ground is wholly untenable, as the petitioner has admittedly worked uninterruptedly since 1986 and has discharged his duties to the satisfaction of the college authorities. The services of the petitioner was regularized pursuant to the report of a three-member committee, dated 07.05.2013. The Committee, after finding him eligible, recommended for regularization of his services. He further placed reliance on the judgment of this Court, in C.W.J.C. No. 12657 of 2017, wherein similar objections raised by the authorities against regularization were rejected. The said decision was affirmed by the Division Bench of this Court, in LPA No. 1467 of 2019 and further upheld by the Hon'ble Supreme Court in S.L.P. (Civil) Diary No. 1465 of 2024.

16. It has further been submitted by the petitioner that from perusal of the contents of Annexure 41 to the writ petition, it would be evident that name of several persons appeared in the list of 4th grade employees of the College at serial numbers 8, 9, 12, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 32, 33, 39 and 40, along with the petitioner, whose name appeared at serial no. 7 (Annexure 3). The services of the aforesaid employees, forming part of



Annexure 3, have already been regularized and confirmed. It is submitted that the case of the petitioner stands on the same footing as those employees whose services has been regularized. The services of the petitioner was also regularized in the same manner. However, subsequently, the regularization was cancelled on frivolous ground. It is, therefore, contended that the petitioner cannot be discriminated against when identically situated employees were granted the benefit of regularization.

17. Learned Senior Counsel further submits that the stand of the University and the State that the Acting Vice Chancellor of the University could not exercise power of regular Vice Chancellor, as per the decision of the Supreme Court, and thus could not have issued the regularization order, is wholly arbitrary, perverse and untenable in law. In the interim order, the Supreme Court has only observed that as stop gap arrangement, the senior-most Dean in the University shall discharge the function of the Vie Chancellor and Pro Vie Chancellor.

18. In support of his submission, learned Senior Counsel for the petitioner has placed reliance on the decision of the Supreme Court, in the cases of **Jago v. Union of India**, reported in **2024 SCC OnLine SC 3826**, **Shripal and Another v. Nagar Nigam, Ghaziabad**, reported in **2025 SCC OnLine SC 221**, and



**Dharam Singh and Others v. State of U.P. and others, reported
in 2025 SCC OnLine SC 1735.**

19. Learned Senior Counsel further submits that the post of Lab Boy in the College, on which the services of the petitioner was initially recommended for regularization, is still vacant, as shown in the sanctioned position report, dated 06.11.2012 (Annexure 21).

20. Learned Counsel for the State argued that the petitioner claims to have been appointed under the staffing pattern, Annexure-1, the appointment letter of the petitioner, goes to show that he was appointed only on daily-wage basis on the post of Peon by the Principal of the College. The Principal is not the competent appointing authority to make appointments to Class-III or Class-IV posts, and, therefore, the petitioner's initial engagement cannot be treated as valid appointment.

21. Learned Counsel further submits that in terms of Section 10 (6) of the Bihar State Universities Act, 1976 the power to make appointments on Class-III and Class-IV posts vests exclusively in the Vice Chancellor and such appointments can be made only within the limits of sanctioned strength. Therefore, the Principal of the College had no authority to appoint the petitioner on a Class-IV post. The appointment of the petitioner was not



preceded by any advertisement, public notice, competitive selection process, or preparation of merit list. Accordingly, the engagement of the petitioner was made without following the due process of law and in violation of the mandate of Articles 14 and 16 of the Constitution of India.

22. Relying upon the circular issued by the Human Resources Development Department, Government of Bihar, Patna, bearing Circular No. 989, dated 10.05.1991, which pertains to staffing pattern appointments, learned Counsel for the State submits that as per the said circular, only those employees are eligible for regularization who had been appointed on or before 10.05.1986 against sanctioned posts and with the approval of the competent authority after following due process of law. The said circular was subsequently withdrawn by the State Government vide notification, dated 28.11.1995, and, therefore, no benefit can, now, be given to the petitioner under the withdrawn policy.

23. It has further been submitted that since the petitioner was engaged only on daily-wage basis and that too by an authority not competent to make such appointments, against an unsanctioned post, and without any advertisement, public notice, or preparation of a panel, the initial engagement of the petitioner



was in clear violation of Sections 10 (6) and 35 of the Bihar State Universities Act, 1976.

24. It has lastly been submitted by learned Counsel that no evidence has been found to establish the petitioner's continuous engagement from the date of his alleged initial appointment till date. Learned Counsel points out that in the earlier writ petition filed by the petitioner, being C.W.J.C. No. 11365 of 2012, the petitioner's age was disclosed as 36 years, which implies that in the year 1986, when his purported appointment letter was issued, he would have only been 10 years old, making such appointment legally impossible.

25. In these circumstances, it is submitted that the petitioner's claim for regularization of his services has been rightly and validly rejected.

26. Learned Counsel for the University opposing the writ petition, has argued that at the outset, though the petitioner claims to have been appointed as a Peon in the College, under the staffing pattern, but from perusal of Annexure-1 to the writ petition, it appears that the petitioner was engaged on daily-wage basis. It is further argued that the Principal of the College is not the competent authority to make appointments to Class-III or Class-IV posts in the College. He also argued that the appointment was



made in violation of Section 10 (6) of the Bihar State Universities Act, 1976.

27. Learned Counsel next submits that the petitioner's claim is entirely premised upon the relief granted by this Court to similarly situated persons, namely, Habibur Rahman and others, who had approached this Court earlier in C.W.J.C. No. 9535 of 2004 seeking regularization of their services. The said writ petition was disposed on 28.09.2010, and pursuant to the order dated 29.02.2012, contained in Annexure-5, their services were regularized. It is submitted that unlike those petitioners, the present petitioner did not assert any legal right at the relevant time and remained a mere fence-sitter. Only after the services of the other similarly situated persons were regularized, the petitioner chose to file a representation and eventually approached this Court in the year 2012. Therefore, it is submitted that the writ petition deserves to be dismissed on the ground of delay and the principle that a fence-sitter cannot claim parity with those who diligently pursued their remedies.

28. Learned Counsel further submits that although the services of the petitioner were initially regularized vide order, dated 01.06.2013, the said regularization was subsequently cancelled by notification, dated 30.07.2013. The cancellation order



was issued in view of the interim order passed by the Hon'ble Supreme Court in S.L.P. No. 12409 of 2013. The decision to regularize the services of the petitioner had been taken by the then Acting Vice Chancellor, who, being only an officiating functionary, was not empowered to take any policy decisions and was authorized merely to discharge routine administrative functions. Therefore, the act of regularizing the services of the petitioner was beyond the competence of the Acting Vice Chancellor and, accordingly, the same was rightly cancelled.

29. It is also submitted that the State Government had raised objections regarding the regularization of daily-wage employees, pursuant to which the University constituted a three-member committee to examine the cases of 129 employees, whose claims for regularization were under consideration. The said committee prepared a list and assessed the employment status of those employees on the basis of available records. The name of the present petitioner was never placed before the committee, as his earlier regularization order had already been recalled, and a reasoned order rejecting his entitlement to regularization had been issued. Therefore, the case of the petitioner was not required to be examined by the three-member committee constituted following the objection of the State Government.



30. The reliance placed by the petitioner on the decision in **C.W.J.C. No. 12657 of 2017 (Mithilesh Kumar Singh and Others v. The State of Bihar and Others)** is misplaced, as the factual matrix of that case stands on an entirely different footing. In the said matter, the services of 129 employees had already been regularized by the University, which were subsequently cancelled on the directions of the State Government. It was in those circumstances that the cancellation order was set aside and the writ petition was allowed. However, in the present case, the petitioner's claim for regularization has been independently rejected by the University itself by assigning reasons (Annexure-17 to the counter affidavit). Therefore, the case of the petitioner can neither be equated with the said 129 employees nor can the petitioner claim parity on that basis. The petitioner is not in service even as a daily-wage employee and there is no record demonstrating his continuance or payment of wages. In absence of continuity of service, the question of regularization does not arise.

31. Learned Counsel further submits that the petitioner's claim has also been rejected on the ground that in the affidavit filed before this Hon'ble Court in C.W.J.C. No. 11365 of 2012, the petitioner himself disclosed his age as 36 years. If that statement is taken as correct, then in the year 1986, when the alleged



appointment letter was issued, the petitioner would have only been 10 years old, making such appointment legally impossible. Therefore, on this ground as well, the petitioner's claim for regularization is wholly untenable and cannot be entertained.

32. In support of his submissions, learned Counsel for the University has placed reliance upon the decision of this Court, in the case of **Ram Sevak Yadav v. State of Bihar**, reported in **2013 (1) PLJR 694**. Further reliance has also been placed on the decision rendered in L.P.A. No. 586 of 2013 to contend that no right of regularization can accrue to an employee whose initial engagement was not made in accordance with law and without following the prescribed recruitment process.

33. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

34. It appears from the record that the petitioner has been appointed in the College as Class IV employee on 27.01.1986 and the University/College has, at various stages, recognized his engagement by putting his name in the list of staffs and by entrusting him with duties. The case of the petitioner was examined by three-men committee for regularization of his services and by letter, dated 07.05.2013, the committee submitted



its report and on the basis of the report of the committee, the services of the petitioner were regularized, vide notification, dated 01.06.2013. The similarly situated persons, who were appointed in the same period as that of the petitioner and whose names appeared in the list of 4th grade employees below the petitioner, were regularized pursuant to the order passed by this Court. In the circumstances, the petitioner also approached this Court in C.W.J.C. No. 11365 of 2012. This Court, by its order, dated 06.07.2012, directed the University to examine the grievance of the petitioner in accordance with law and pass a reasoned and speaking order. In the aforesaid background, the University regularized the services of the petitioner based upon the report of the three-member committee.

35. From perusal of the report of the three-member committee, it would be evident that the petitioner was appointed on the post of Peon on the basis of staffing pattern and in the list of 4th grade employees working in the College, his name appears at serial no. 7. The three-member committee also took note of the fact that the case of the petitioner is similar to the similarly situated persons, who were writ petitioners of C.W.J.C. No. 9535 of 2004, and their services has been regularized vide notification,



dated 29.02.2012, as those persons were also working on the basis of staffing pattern prior to 10.05.1986.

36. Once this factual foundation is accepted, the subsequent cancellation of the petitioner's regularization by notification, dated 30.07.2013, and later rejection of his claim by order, dated 03.09.2015, must withstand judicial scrutiny. Both these actions visited the petitioner with grave consequences, undoing a long-recognized service and depriving him of the benefit of regularization, which had already been conferred to him after due process.

37. The cancellation notification, dated 30.07.2013, is in the nature of a blanket recall of petitioner's regularization, purportedly in light of an interim order passed by the Supreme Court on the premise that the then Acting Vice Chancellor of the University could not have taken policy decisions. The notification does not disclose any individualized examination of the petitioner's case, does not point to any infirmity in the three-member committee's report, and does not allege any fraud, or suppression of material fact by the petitioner.

38. The interim order of the Supreme Court, dated 18.03.2013, stays the operation of the notification, dated 09.02.2013 and 19.02.2013, issued by the Governor -cum-



Chancellor, Bihar, appointing the private respondents as Vice Chancellors and Pro Vice Chancellors of different Universities and they were restrained from functioning as Vice Chancellors and Pro Vice Chancellors of the concerned Universities. Further, with a view to ensure that functioning of the various Universities is not jeopardized, the Supreme Court, as stop gap arrangement, directed the senior most Deans of the Universities to discharge the function of the Vice Chancellors and Pro Vice Chancellors.

39. The interim order of the Supreme Court does not restrict the Acting Vice Chancellor to discharge the functions of the Vice Chancellor in any manner. The mechanical recall of the regularization of the petitioner is devoid of any reasons. This is contrary to the settled principle that an order conferring a benefit after due verification cannot be rescinded without disclosing specific grounds relatable to the beneficiary.

40. One of the grounds taken by the Vice Chancellor in the impugned order, dated 03.09.2015, is regarding the petitioner's date of birth. The University has placed heavy emphasis on the fact that in the affidavit filed in an earlier writ petition, the petitioner's age was mentioned as 36 years, leading to the inference that he would have been only 10 years old in the year



1986 at the time of his initial engagement. On that basis, it is contended that the very foundation of his claim is implausible.

41. This Court is unable to agree. The petitioner has produced his School Leaving Certificate, issued well before the present controversy, which records his date of birth as 01.01.1968. The School Leaving Certificate is a primary, contemporaneous public record, and there is nothing on record to doubt its authenticity. No contrary documentary evidence has been produced by the respondents. In such a situation, it can be a bona fide clerical error on the part of the counsel office or the deponent, unless there is material to suggest that the petitioner derived substantial advantage on the strength of that erroneous statement or that it was made with intent to mislead.

42. To treat that single inconsistent age disclosure as conclusive against the petitioner and to deny him the benefit of regularization, despite the authentic School Leaving Certificate pointing otherwise and despite decades of recognized service, would amount to elevating a trivial clerical lapse to a determinative factor.

43. Further scrutiny of the order, dated 03.09.2015, reveals that the Vice Chancellor rejected the petitioner's claim for regularization primarily on the grounds that the petitioner had been



engaged as a daily wage employee by the Principal of the College, who was allegedly not competent to make such appointments, the engagement was not preceded by any sanctioned vacancy, staffing pattern decision, advertisement or selection process and there was no record to show the approval of the engagement of the petitioner by the University. The impugned order also proceeds on the reasoning that there was neither any record showing the petitioner's continuous working from the date of his initial engagement nor was there any record of continuous payment of wages to the petitioner. Yet another ground taken was that the appointment had not received prior approval of the State Government, as required under Section 35 (2) of the Bihar State Universities Act, 1976.

44. At this juncture, it becomes pertinent to refer to the judgment of this Court, in **Mithilesh Kumar Singh** (supra), arising out of a decision of the State Government, based upon the recommendation of the three-member committee, directing termination of 129 non-teaching employees, including employees similarly situated to the petitioner.

45. The petitioner relied on the decision of this Court, in **Mithilesh Kumar Singh** (supra), whereby similarly situated employees were extended the benefit of regularization.



46. In the considered view of this Court, such reliance is not misplaced. A comparative reading of the materials on record and the decision relied upon reveals that the names of several similarly situated individuals, including Habibur Rahman, Devi Dayal Singh, Prem Nath Prasad, Sachidanand Pandit, Satish Pratap Singh, Baban Singh Yadav, Bhubaneshwar Rai, Ramjee Rai and others, appears along with the petitioner in the list of 4th grade employees (Annexure 3). Significantly, the name of the petitioner appears at serial number 7 in that list, above several of the persons whose claims have already attained finality up to the Supreme Court.

47. The record further reflects that the services of the petitioners in **Mithilesh Kumar Singh** (supra) had earlier been regularized in the manner identical to the present petitioner. The only distinguishing feature is that in the case of the petitioner, the regularization order, dated 01.06.2013, was subsequently cancelled by the impugned notification, dated 30.07.2013.

48. In **Mithilesh Kumar Singh** (supra), the objections raised by the State in that litigation were materially identical to those now urged against the petitioner. In that case also, the State contended that the appointments were invalid for want of advertisement, violation of roster and reservation policy, absence



of approval under Sections 10 (6) and 35 (2) of the Bihar State Universities Act, 1976, and lack of sanctioned posts. The State even relied upon the Full Bench decision in **Ram Sewak Yadav** (supra) to assert that if the initial appointment itself was illegal, no benefit including regularization can be granted.

49. This Court, in **Mithilesh Kumar Singh** (supra), after examining all such objections, categorically rejected them and proceeded to hold that the controversy regarding the existence of sanctioned posts stood concluded by the Full Bench judgment in **Baj Kishore Singh** (supra), wherein it was held that posts falling under the staffing pattern are deemed sanctioned posts. The Court also noted that the employees in that case had continued in service for nearly three decades and, therefore, their appointments could not be invalidated merely on technical irregularities pertaining to their initial entry into the service. Accordingly, the termination orders, based on the report of the three-member committee, were quashed. The said judgment has since been affirmed both by the Division Bench of this Court and by the Supreme Court.

50. In light of the above judicial pronouncement, which has, now, attained finality, this Court finds that the objections raised by the State and the University in the present writ petition are, therefore, not novel, but are identical to those raised and



rejected earlier in the cases of employees, who stood on the same footing as the petitioner. Therefore, there exists no legally sustainable distinction between the petitioner and those similarly situated employees, whose regularization has already been upheld up to the Supreme Court.

51. This Court, therefore, has no hesitation in holding that the petitioner cannot be subjected to selective discrimination merely because his regularization order was passed within a limited time window later questioned by the authorities. To deny him the same benefit, which has been accorded to the identically placed persons, would amount to step-motherly treatment.

52. Accordingly, applying the principle of parity and non-discrimination, this Court finds that the petitioner is entitled to the same treatment as accorded to the beneficiaries of **Mithilesh Kumar Singh** (supra).

53. Accordingly, the order, dated 03.09.2015, as contained in Memo No. Legal-108/12-826/Estab/15, issued under the signature of the Vice Chancellor of the Veer Kunwar Singh University, Ara and the notification, as contained in Memo No. 1050/ESTAB/2013, dated 30.07.2013, are set aside and the notification No. 616/ESTAB/13, dated 01.06.2013, is restored.



54. The petitioner shall be treated as regularized with effect from 01.06.2013 and shall be entitled for 50 per cent of the salary and other allowances since 01.06.2013, coupled with notional benefits viz. length of service, seniority etc.

55. The University and the State are directed to make payment of arrears of 50 per cent of salary and other allowances to the petitioner within a period of two months from today. The University is further directed to accept the joining of the petitioner as a Peon/Lab Boy with immediate effect and pay the current salary to the petitioner admissible for the post.

56. In the result, this writ application is allowed.

57. There shall be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	AFR
CAV DATE	18-09-2025
Uploading Date	12-12-2025
Transmission Date	N/A

