

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11499 of 2019

Bindeshwar Mehtar Son of Late **CWJC/6021/2025** Dhorai Mehtar Resident of
Mohalla Jai Prakash Nagar, Ward No. 7, P.S. Araria, District- Araria.

... .. Petitioner/s

Versus

1. The Chancellor of the University Raj Bhawan, Bihar.
2. Bhupendra Narayan Mandal University, through its Vice Chancellor,
Madhepura- 852 113, Bihar.
3. The Vice Chancellor, Bhupendra Narayan Mandal University, Madhepura-
852 113, Bihar.
4. The Registrar, Bhupendra Narayan Mandal University, Madhepura- 852 113,
Bihar.
5. The Principal, Araria College, Araria.
6. The Bursur, Araria College, Araria.
7. Purnea University, Purnea through the Registrar, Purnea University, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr. Rajendra Kumar Giri, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 23-09-2025 Learned counsel for the petitioner, learned counsel
for the Purnea University, learned counsel for the Bhupendra
Narayan Mandal University and learned counsel for the State
are present.

2. This writ petition has been filed for commanding
respondent no. 5, Principal, Araria College, Araria for
regularization of services of the petitioner against the sanctioned
post of Sweeper (*Safai Karmi*) in Araria College, Araria, a
constituent college of Bhupendra Narayan Mandal University, in



which the petitioner is said to have uninterruptedly working since 2007 on daily wages and the petitioner was being paid through cheques duly issued by the Principal of concerned college (respondent no. 5).

3. Learned counsel for the petitioner submits that the father of the petitioner, namely, Dhorai Mehtar was a regular employee of Araria College, Araria and worked as Sweeper (*Safai Karmi*) and during the lifetime of his father, the petitioner worked as Night Guard and *Safai Karmi* in stop gap arrangement since 2003 as whenever his father used to be on leave, this petitioner used to provide service as a Safai Karmi in the said college and accordingly, on that strength, this petitioner claims to be under the employment in the said college since 2003.

4. It has next been submitted that after the death of the father of the petitioner in July, 2007 this petitioner was duly taken into service as Sweeper (*Safai Karmi*) against the said sanctioned post, which got vacant on account of his father's death.

5. In order to buttress his submissions that he is continuously in service in the said college, photocopies of various cheques and other documents through which the



payment is said to have been made in the account of this petitioner, have been brought on record.

6. It has next been submitted that in 2009, an advertisement was published by the University for different posts including the IV-Grade post and the petitioner's case for appointment against the sanctioned post was not considered for unexplained reasons and the documents pertaining to said advertisement is also appended in the writ petition.

7. On finding, nothing positive having been done pursuant to the said advertisement to which the petitioner had applied, then on 29.01.2016, this petitioner had submitted an application before the Hon'ble Chancellor, Bihar for regularization of his service as Safai Karmi in Araria College along with necessary papers with supportive materials to suggest that he was regularly paid by the said college as against the services discharged on daily wages basis.

8. The learned counsel for the petitioner has drawn attention of this Court to Annexure-6, which is a letter issued by the Governor Secretariat, Bihar, as contained in Memo No. 539 dated 17.02.2016, addressed to the Vice-Chancellor, B.N. Mandal University, Araria, Bihar but no action is said to have been taken over such request made by the Governor Secretariat



to the concerned University.

9. At this stage, learned counsel representing the Purnea Univeristy submits that in 2018, Bhupendra Narayan Mandal University, Madhepura got bifurcated and Purnea University was created and this college now falls under the Purnea University and therefore, the grievances of this petitioner would be required to be addressed by the Purnea University and the counter affidavit has been filed in this case, wherein, it has been categorically mentioned that in terms of the various judgments rendered by the Hon'ble Apex Court, on the subject in issue, the petitioner has not completed ten years of service rather it is only eight years and seven months and therefore, the petitioner's case does not fall within the parameters of those judgments.

10. Learned counsel for the B.N. Mandal University submits that since originally this petitioner's college fell under their jurisdiction and if at all any assistance would be required by Purnea University for carrying out any directions issued by this Court, then necessary assistance shall be provided by them which would be required in the matter, on valid communication.

11. Learned counsel for the petitioner, on the other hand, to the objections raised by the counsel representing the



Purnea University, submits that the petitioner had been discharging his duty since 2003 till 2016, as would be evident from the facts averred in the writ petition, therefore, it is more than ten years and his case squarely falls within the parameters fixed in the case of *Secretary State of Karnataka & Ors. v. Uma Devi (3) & Ors., 2006 (4) SCC 1* and further judgments rendered by the Hon'ble Apex in *Jaggo v. Union of India & Ors., 2024 SCC OnLine SC 3826*, *Shripal & Anr. v. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221* and including *Dharam Singh & Ors. v. State of U.P. & Anr. 2025 SCC OnLine SC 1735*.

12. In order to further impress upon this Court for ventilating his grievances, learned counsel for the petitioner submits that from time to time this petitioner services have always been taken by the said college but to avoid officially recognizing his services for reasons unexplained, the mode of payment was changed and cash payments were being made for the duties discharged, therefore, it cannot be said that this petitioner is not in service with the said college. This fact, however, has been refuted by the counsel for the Purnea University.

13. Considering the fact that this petitioner had worked



since 2003 and was engaged by the college in different capacities as Night Guard but against the sanctioned post of Sweeper (Safai Karmi) had been duly working since 2007, after the death of his father and has continuously served till January, 2016, which is an undisputed fact and thereafter as per the petitioner, from time to time he has served the said college is a fact, which is to be considered by the said University and therefore, respondent no. 7, Registrar, Purnea University, is directed to take into account all these facts and place it before the competent authority to take a final decision in this regard in the light of judgments rendered by the Hon'ble Apex Court, as referred above by giving a sympathetic consideration recognizing the past services of this petitioner, within a period of three months from the date of the receipt of the order passed by this Court and while taking final decision with regard to the claim of the petitioner, the authority shall be obliged to strictly consider the ratio laid down in the judgments referred above, so that, the decision of the University could speak of itself that thread-bearing deliberations have been made while deciding the case of the petitioner.

14. It goes without saying that on consideration within the time so specified, the final decision with a reasoned and



speaking order, shall be communicated to the petitioner further.

15. Accordingly, the writ application is disposed off.

(Ajit Kumar, J.)

Jyoti Kumari/-

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