

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15046 of 2017

Prabhat Kumar Singh Son of Late Ganesh Singh, Resident of Village-
Pratappur, P.O.- Paratappur, P.S.- Avtar Nagar, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Dy. Secretary of the Government, Department of Personal and Admn. Reforms, Govt. of Bihar, Patn
4. The Vice Chancellor, Jai Prakash University, Chapra.
5. The Registrar, Jai Prakash University, Chapra. null null
6. The Principal, Ganga Singh College, a Constituent Unit of Jai Prakash University, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
For the Respondent/s : Mr. S.C. Mishra-Sc16

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 10-12-2025 Heard learned counsel for the petitioner, learned
counsel for the Respondent-State and learned counsel for the
Respondent-University.

2. The petitioner in the present writ application has
prayed for the grant of following reliefs:-

*i) To issue a writ in the nature of
Mandamus to direct the
respondents to treat the
appointment of petitioner on the
Class III Cadre as Routine/
clerk/Lower grade clerk since the
date of his appointment which is
04-04-97 in terms of Memo No.
814 (R) dt 04-06-10 (Annexure-*



9) issued under the authority of Registrar of the Jai Prakash University, Chapra (Here in after in short the University').

ii) To direct the respondents university) to The felicitate the cadre of class-III Routine clerk /Lower Grade Since clerk) to the service of petitioner since the date of his appointment and accordingly grant the service benefit and monetary benefit in accordance with law at par with other similarly situated candidates.

iii) To direct the respondents to treat the case of the petitioner under the of Principle natural justice and principle of equality in terms of law emanating from Article 14 of constitution of India as also in terms of Article 16 and 309 of constitution of India.

(iv) To hold and declare that respondents have discriminated with in his service cadre; which is bad in law generated from service jurisprudence.

(v) To grant any other relief/reliefs to the petitioner for which he is entitled to have.



3. Learned counsel for the petitioner submits that for claiming the above relief, the petitioner has submitted an application dated 20.12.2006 (Annexure-3) to the Registrar of the Respondent-University. Thereafter, the Principal of the college sent a forwarding letter in support of the grievance of the petitioner which was received on 21.12.2006 by the Office of the Registrar of the University. Thereafter, the Principal of the college sent reminder letters dated 29.01.2007, 14.03.2007 and 08.02.2008 to the Office of the Registrar of the University for consideration of promotion of the petitioner on the post of Class-III cadre. It is further submitted that through Letter No. 509 dated 28.08.2008, the Registrar of the University sought list from the Principals of the college situated under its jurisdiction regarding vacant post of Class-III and of candidates seeking promotion on Class-III posts appointed on compassionate ground. The Principal of the college *vide* Letter dated 01.09.2008 (Annexure-8) sent a list to the Registrar in which the name of the petitioner was indicated at Serial No. 1 with the details of qualifications. It is submitted that the name of the person indicated at Serial No. 2, i.e., Gopal Singh has already been granted promotion but the petitioner who was at Serial No. 1, has not been considered.



4. Learned counsel for the petitioner, therefore, submits that an appropriate direction be issued to the Registrar of the University to consider the case of the petitioner for promotion to Class-III post by taking a final decision on his pending representation/application dated 20.12.2006 (Annexure-3) within a fixed time after giving an opportunity of hearing to the petitioner.

5. To the aforesaid submission made by learned counsel for the petitioner, learned counsel for the Respondent-State and learned counsel for the Respondent-University do not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of directing the Registrar of the Respondent-University to take a final decision with regard to the petitioner on his application dated 20.12.2006 (Annexure-3) within a period of six months from the date of receipt/production of a copy of this order, after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the Registrar of the University should be a reasoned and speaking order.

7. With the aforesaid observation and directions, this



writ application is disposed of. Pending Interlocutory Applications, if any, will stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

U			
---	--	--	--

