

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14950 of 2021

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Leela Kumari, wife of Sri Ram Balak Ram, D/o Ram Prasad Ram, Resident of Village - Darhar, Ward - 12 (Tole Bali Bagraui) P.O. - Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Lalit Narayan Mithila University, through the Registrar, Darbhanga.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, C.M. Science College, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar, Advocate.
For the University	:	Ms. Alka Verma, Advocate.
For the State	:	Mr. Shankar Kumar Thakur, AC to GP-27.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-03-2025 Heard Mr. Ajit Kumar, learned counsel appearing on behalf of the petitioner; Ms. Alka Verma, learned counsel for the University and Mr. Shankar Kumar Thakur, learned counsel for the State.

2. As prayed for, learned counsel appearing on behalf of the petitioner is permitted to correct the dates in respect of the posting of the petitioner as In-charge Librarian in the writ petition, in course of the day.

3. The petitioner in paragraph no. 1 of the present writ petition has sought, inter alia, following relief(s), which is



reproduced hereinafter:-

“(i) For issuance of an appropriate Writ, Order or Direction to the Respondent-University to give entire financial benefits i.e. Salary, Pay Scale etc. assigned/prescribed for the post of Assistant Librarian and thereafter for the post of Librarian after adjusting/absorbing her on the aforesaid post in view of Office Order dated 02.06.2014 and Office Order dated 26.02.2020, whereby and whereunder the petitioner has been working on the vacant post of Assistant Librarian w.e.f. 31.07.2014 and further on the post of Librarian w.e.f. 29.02.2020, both at C. M. Science College, Darbhanga and has been continuously discharging duties without any break, however without any financial benefits.

(ii) For issuance of an appropriate Writ or Direction to the Respondent-University to give all consequential benefits i.e. the benefits due Pay Scale, increments, A.C.P. or any other benefits which has accrued to her and not being given, despite long twenty nine years or service.

(iii) For issuance of an appropriate Writ, Order or Direction to the Respondent-University for any other relief or reliefs the petitioner may be entitled in the facts and circumstances of the case.”

4. Learned counsel appearing on behalf of the petitioner seeks to avail remedy before the Registrar of the University for considering the case of the petitioner who was posted as Assistant Librarian w.e.f. 31.07.2014 and further on the post of In charge Librarian w.e.f. 29.02.2020 and she is still discharging her duties continuously. Learned counsel has relied on the judgments passed by this Court vide order dated 07.08.2014 passed in C.W.J.C. No. 20446 of 2010 (Braj Raj Kishore Vs. The State of Bihar & Ors.) and vide order dated 30.09.2010 passed in C.W.J.C. No. 16299 of 2004 (Jai Nandan Prasad Verma Vs. The State of Bihar & Ors.), reported in 2011



(1) PLJR 98.

5. Mrs. Alka Verma, learned counsel appearing on behalf of the University referring to paragraph no.5 of the counter affidavit informs that the petitioner was never appointed on regular basis rather by way of temporary arrangement she performed the duty of Assistant Librarian / Librarian.

6. Having heard the rival submissions made on behalf of the parties, as well as, the statement made in Para-11 of the counter affidavit and having regard to the University Statute which came into effect from 04.03.2014 which requires holding of written examination followed by viva/vice test for promotion, then only a candidate who passes can be considered for the post of Librarian. There is no information in the counter affidavit, as to whether, process of promotion has been initiated by the University. The application of the petitioner is pending since 01.03.2021 and subsequent representation thereafter from time to time. In view of the same and any delay on the part of the University, the petitioner cannot be held responsible.

7. The petitioner has claimed equity that the employees who have performed duty for substantial period of time on higher post without any adverse remark or any disciplinary action against such employee, he is required to be



regularized on the said post and becomes entitled of pay scale for the said post.

8. In the present case, the petitioner has already filed representation before the Registrar of the University, who is directed to consider the representation of the petitioner in light of the admitted facts of the case of the petitioner for regularization forthwith. The exercise shall be undertaken, not beyond a period of six weeks, from the date of communication of this order.

9. The writ petition stands disposed of.

(Purnendu Singh, J)

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