

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15617 of 2021

1. Shahsi Bhushan Kumar Son of Sri Ramchandra Mahto Resident of Village-Dilawarpur, Police Station- Bahadurpur, District- Darbhanga.
2. Iqbal Ahmad Son of Md. Mumtaz Alam Resident of House No. 296/3, 3rd Floor, Front side, Zakir Apartment, Street No. 35, Zakir Nagar, Police Station- Okhala, South Delhi, New Delhi.
3. Ranjit Kumar Jha Son of Sri Kagtanand Jha Resident of C/o Laxman Jha Kamlalay, Shivpuri, Police Station- Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Government of Bihar, Patna.
4. The Chancellor, Universities of Bihar, Raj Bhawan, Patna.
5. The Officer on Special Secretary, Governors Secretariat, Bihar, Raj Bhawan, Patna.
6. The Additional Secretary, Governors Secretariat, Bihar, Raj Bhawan, Patna.
7. The Lalit Narayan Mithila University, Darbhanga through its Registrar having officer at Kameshwaranagar, Darbhanga.
8. The Vice Chancellor, Lalit Narayan Mithila University, having office at Kameshwaranagar, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Karna, Advocate.
For the Respondent/s	:	Mr.Madhaw Pd. Yadaw, GP-23
		Ms. Meera Singh, AC to GP-23.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-04-2025 Heard Mr. Ashok Kumar Karna, learned counsel appearing on behalf of the petitioners and Mr. Madhaw Prasad Yadaw, learned GP-23 along with Ms. Meera Singh, learned AC to GP-23 for the State.

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



reproduced hereinafter:-

“I. Issuance of writ in the nature of mandamus for commanding the Respondent authority to accept the joining of the Petitioners on the post of Assistant Professor (History) in the MRM College, Drabhanga, MLS College, Sarisabpahi & CM College, Darbhanga respectively after grant of extension of time for joining as Petitioners were unable to join in the respective college due to prevailing of extraordinary circumstances on account of sudden outbreak of pandemic Covid-19 and due to continuance of complete lock down in the whole country as well as in the State of Bihar.

II. Issuance of further direction to the Respondent authority to grant the extension for joining to the Petitioners in the respective colleges as Hon'ble Supreme Court as well as the Full Bench of this Hon'ble Court has been pleased to hold that the pandemic covid-19 period and lock down period shall be deemed to have been excluded for the purpose of computation of limitation stipulated under the Statute or for complying with judicial order passed by this Hon'ble Court or subordinate court.

III. Issuance of writ in the nature of certiorari for quashing the order contained in Memo No. C/Dr-li/30850/20 dated 04.11.2020, Memo No. C/DR-II/30851/20 dated 04.11.2020 & Memo No. C/DR-II/30846/20 dated 04.11.2020 issued by the Registrar, L.N.M.U Darbhanga by which the Respondent authority had not allowed the request of the Petitioners for joining as well as extension of time for joining without considering that due to extraordinary situation prevailing on account of sudden outbreak of pandemic Covid 19 the Petitioners could not join in the concerned college within stipulated six months period as earmarked.

IV. Issuance of further direction to grant any other relief for the Petitioners which is found to be entitled in the facts and circumstances of the case.”

3. Petitioners are aggrieved by the action of the Vice Chancellor and the Registrar of the University whereby they were restrained from joining after they were selected on the post of Assistant Professor. The name of the petitioners appear at Sl. No. 33, 24 and 7 respectively in the notification issued in respect of several teaching staff in different colleges, as



contained in Memo No. 4871/19 dated 25.10.2019. From the aforesaid notification, it also appears that the petitioners were assigned their place of posting at M.R.M., College, Darbhanga; M.L.S. College, Sarisabpahi, Madhubani and C.M. College, Darbhanga.

4. It is known that in the year 2019, entire globe faced with COVID-19 pandemic due to Corona Virus and in view of several cantonment zone, the petitioners were unable to join immediately after issuance of the said employment notification of the University dated 25.10.2019. When the University started functioning normally, the petitioners wanted to join but they were restrained to give their joining by the Principal of the respective college. The action of the Principal of the College is not in accordance with law who has dealt in an illegal manner with the petitioners and appropriate action is required to be taken against them, as also, the action of the Vice Chancellor and the Registrar after having not taken action against the Principal in accordance with law is also deprecated. The petitioners have filed several representations. Any subsequent action during the COVID-19 period or after the COVID-19 period taken by the University which affects the Notification contained in Memo No. SC/4764-4871/19 dated 25.10.2019 can



only be said to be against the Rule of law.

5. At this stage, it is informed that faced with similar action of the University and the concerned Principal, one similarly situated Assistant Professor, namely, Deepak Kumar who was appointed in B N Mandal University had preferred CWJC No. 8774 of 2020 and during the pendency of the writ petition, his joining was accepted in light of his selection on the post of Assistant Professor.

6. Be that as it may, I have already interfered with the action of the Vice Chancellor, Registrar, as well as, the Principal of the colleges, the Registrar of the University must take appropriate action so that the petitioners' joining can be accepted by the Principal of the College, forthwith.

7. The writ petition stands disposed of.

(Purnendu Singh, J)

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