

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7101 of 2017

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Harendra Kumar Jha son of late Shiv Narayan Jha resident of village and P.O. Jarail, P.S. Arer, District Madhubani.

... .. Petitioner/s

Versus

1. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga Through Its Registrar and Ors
2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. Principal Secretary Human Resource Development Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Sr. Adv.
	:	Mr. Sandeep Kumar, Adv.
	:	Ms. Ankita Tripathi, Adv.
For the Respondent/s	:	Mr. Madhaw Pd. Yadav- Gp23
	:	Ms. Meera Singh, Ac to Gp23
For the LNMU	:	Ms. Alka Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 11-09-2025

1. Heard the parties.

2. The petitioner was appointed in the 4th grade cadre of Saharsa College, Saharsa, in the year 1983. He was subsequently transferred to the C.M. Science College, Darbhanga, in 1984. The petitioner was working on Class 4 post. He was again transferred from C.M. Science College to C.M. Law College, Darbhanga. On 04.03.2014, statute for appointments for promotion of non-teaching employees was approved by the Hon'ble Chancellor and was accordingly



notified. As per the statute, the departmental examination was to be held of two papers of 100 marks each. The candidate was required to obtain 45% marks. The petitioner along with others appeared in the departmental examination on 26.11.2015 and obtained more than 45% marks in aggregate, however, the petitioner was not promoted on the ground that he did not obtain the 45% marks in each paper.

3. Learned Counsel for the petitioner relies upon the judgment of Co-ordinate Bench of this Court reported in Prem Chandra Prasad v. Lalit Narayan, Mithila University reported in (2021) 4 PLJR 794 and has placed Para 14 of the judgment which is quoted hereinbelow:-

14. After having heard the counsel for the parties and after having perused the concerned clause of the Rule, it becomes very clear that the Rule only prescribes that for passing in a departmental examination, a minimum of 45% marks is required. There is no specific requirement under the Rules that such marks have to be obtained by a candidate in all the papers in which he/she appears. In such view of the matter, giving any other interpretation to the Rule would be putting such candidates to unnecessary



difficult situation.

4. Learned Counsel for the petitioner submits that respondent/authority may be directed to consider the claim of the petitioner for promotion in Class 3 post on the basis of the statute and the judgment of this Court (supra) in accordance with law subject to availability of post.

5. Learned Counsel for the University argued that there was a ban in promotion, however, she submits that the petitioner may represent before the Vice-Chancellor who will consider the representation of the petitioner in accordance with law and the direction issued by this Court.

6. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in the writ application and the fact that the petitioner participated in the departmental examination as per the statute, accordingly, the writ application is disposed with liberty to the petitioner to file a representation before the Vice-Chancellor within a period of one month from today and if such representation is filed, the Vice-Chancellor shall dispose the same in accordance with law keeping in mind the statute of promotion as well as the judgment passed by this Court in case of Prem Chandra Prasad v. Lalit Narayan, Mithila University (supra). The representation



must be disposed by a reasoned order subject to availability of promotional post within a period of three months from the date of filing of the representation.

7. With the aforesaid direction, this writ application is disposed.

(Anil Kumar Sinha, J)

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