

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7966 of 2017

1. Shankar Dayal Pandey son of Shri Mahesh Pandey, resident of Village-Barhara, P.S. Barhara, District- Bhojpur.
2. Prafull Kumar, son of Late Nagendra Prasad Shahi, resident of Village-Baruraj, P.S. Baruraj, District- Muzaffarpur.
3. Shiv Chandra Pandey, Son of Sri Ashrafi Pandey, resident of Village-Bakhari, P.S.- Sakara, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
3. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
4. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
5. Principal R.B.B.M College, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Adv Mr. Akshat Kumar, Adv Md. Tauseef Waquar, Adv
For the Respondent/s	:	Mr. Madanjit Singh- Gp20

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 19-11-2025 Heard learned senior counsel for the petitioners,

learned counsel for the University and learned counsel for the

respondent-State.

2. In the present writ application, the petitioners have

prayed for the grant of following reliefs:

*(i) Issuance of a direction, order
or writ, including writ in the nature of*



certiorari quashing the order dated 16/06/2016 passed by the Director, Higher Education, Bihar, Patna, by which the claims of the petitioners, amongst other persons, for regularisation of their services against class-III posts at R.B.B.M. College, Muzaffarpur (hereinafter referred to as "the College"), which is a constituent unit of the B.R. Ambedkar Bihar University, Muzaffarpur (hereinafter referred to as "the University") have been rejected;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Education Department of the State Government to consider the cases of the petitioners in the right perspective and accordingly regularise their services against Class-III posts at the College in the services of the University along with all the consequential benefits in accordance with law;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities in the Education Department of the State Government as well as the University to extend all the consequential benefits in terms of salary, arrears of salary, promotion in favour of the



petitioners subsequent upon their regularisation of their services against class-III posts in the services of the University in accordance with law;

(iv) Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.

3. Shorn of unnecessary details, learned senior counsel for the petitioners submits that relief of regularization has already been granted to similarly situated persons. He invites the attention of this Court to the statements made by the petitioners in paragraph 8 and 9 of the supplementary affidavit, which reads as follows:

8. That in a similar manner, an office order bearing memo no. B/57 was issued by the University by which in compliance of order dated 07/12/2022 passed by this Hon'ble Court in C.W.J.C. No. 8620/2015 the services of one Upendra Kumar and Gopal Prasad were regularized against the posts under the University under the norms of staffing pattern against vacant Class-III posts and in so far as the aforesaid Upendra Kumar and Gopal Prasad are concerned their names were below in the list containing names of employees as



communicated by a letter dated 19/09/2007.

9. That in a similar manner, an order dated 29/08/2023 bearing memo no. 1827 was passed by the concerned authorities under the Education Department of the State Government, by which pursuant to order dated 29/10/2018 passed in C.W.J.C. No. 8704/2012 and order dated 03/08/2023 passed in C.W.J.C. No. 2097/2019 services of three persons namely Umesh Kumar Sharma, Har Har Mahadeo Singh and Vinay Nath Thakur were regularized and while sanctioning their posts and accordingly, their services were regularized and in so far as the said persons are concerned their names are to be found in the list of employees communicated by letter dated 19/09/2007 below the present petitioners.

4. Learned senior counsel also draws attention of this Court to office order dated 13.01.2023 issued by the University (Annexure-20) in which similar relief has been extended to Sri Upendra Kumar and Sri Gopal Prasad. He further draws attention of this Court to order of the State Government dated 29.08.2023 (Annexure-21) in which relief of regularization to similarly situated persons, namely, Umesh Kumar Sharma, Har



Har Mahadeo Singh and Vinay Nath Thakur has been granted from the date of their joining. He also draws attention of this Court to paragraph 19 of the counter affidavit filed on behalf of respondent-University to demonstrate that the respondent-University is supporting the case of the petitioners by stating as follows:

19. That it is submitted that the case of the petitioners is similar to Sri Pramod Kumar, Sri Ram Balak Sharma and Sri Umesh Kumar Sharma and ors., as the names of the petitioners' figure alongside Sri Pramod Kumar and Sri Ram Balak Sharma in all documents relating to Governing Body, Letters forwarded by the Principal to the University, Letters forwarded to the State Government etc. enclosed as Annexures with this letter. It is further pertinent to mention that the State Government while passing orders contained in Memo No. 3426 dated 28.12.2011 with regard to regularization of services of Sri Pramod Kumar and Sri Ram Balak Sharma has categorically relied upon Letter No. R.B.B 430 dated 04.10.1996, Three-Men Committee Report, Letter No. B/2431 dated 19.09.2007 and Letter No. B/138 dated 17.01.2001. It is relevant to note that the name of the petitioners also figure therein along with Sri Pramod Kumar



and Sri Ram Balak Sharma. Hence, there is no iota of doubt that the case of present petitioners is similar to Sri Pramod Kumar and Sri Ram Balak Sharma and other similarly situated employees of R.B.B.M. College, Muzaffarpur whose services have been regularized by the order of the State. Hence, their case also deserves to be considered while applying the principle of parity.

5. Annexure-R/9 dated 28.12.2011 bearing Memo No. 3426 issued by the then Human Resource Development Department, Bihar, Patna is again an order of the State Government by which relief of regularization has been granted to similarly situated persons, namely, Sri Pramod Kumar and Sri Ram Balak Sharma from their respective date of joining.

6. It is, therefore, submitted by learned senior counsel appearing for the petitioners that the impugned order dated 16.06.2016 passed by the Director, Higher Education, Bihar, Patna may be set aside and the matter be relegated back to the Director, Higher Education, Bihar, Patna for considering the case of regularization of the services of the petitioners against Class III posts at R.B.B.M. College, Muzaffarpur on the same lines as has been extended to other similarly situated persons



working in the same college under the University.

7. Learned counsel appearing for the University supports the contention of learned senior counsel appearing for the petitioners.

8. Learned counsel appearing for the respondent-State also very fairly submits that it would be appropriate if the impugned order is quashed and the matter is sent back to the Director, Higher Education, Bihar, Patna to pass a fresh order.

9. In view of the submissions made by the parties and, particularly, taking note of the fact that relief of regularization has already been granted by the State Government to similarly situated persons from the date of joining against Class III posts at R.B.B.M. College, Muzaffarpur under the University, the impugned order dated 16.06.2016 is hereby quashed and set aside and the matter is remanded back to the Director, Higher Education, Bihar, Patna to pass a fresh order considering the case of the petitioners for regularization of their services against Class III posts at R.B.B.M. College, Muzaffarpur under the University on similar lines as has been extended to other similarly situated persons by the University and the State Government. It is expected that the Director, Higher Education, Bihar, Patna will take a decision in this regard within one month



from the date of production of a copy of this order by the petitioners.

10. Accordingly, the writ petition is allowed in light of the aforesaid terms.

(Alok Kumar Sinha, J)

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