

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14876 of 2025

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Shashi Shekhar Prasad Yadav S/o Late B.P. Yadav, Resident of - Road No.1,
Panjabi Collony, Dharampur, District- Samastipur, presently posted as Upper
Divisional Clerk at Samastipur College, Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
4. The Vice Chancellor, L.N. Mithila University, Darbhanga.
5. The Registrar, L.N. Mithila University, Darbhanga.
6. The Finance Officer, L.N. Mithila University, Darbhanga.
7. The Principal, Samastipur College, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, GP-27
For the University	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioner, learned
GP-27 for the State and learned counsel for the Lalit Narayan
Mithila University, Darbhanga (hereinafter referred as
'University').

2. The instant writ application has been filed for
directing the respondents to grant promotion to the petitioner on
post of Assistant from due date in view of order dated
16.02.2018 passed in CWJC No.18985 of 2017, read with
Clause-4(c) of Bihar Litigation Policy, as the petitioner has also



been declared successful in the written test but has not been promoted merely for the reason that he was appointed on compassionate ground like the petitioner of CWJC No.18985 of 2015, whereas under the same and similar circumstances, the petitioner of CWJC No.18985 of 2017 has been granted promotion vide Memo No.C/DR-I/13230-41/24 dated 13.07.2024 w.e.f. 27.09.2016 along with all consequential benefits.

3. Learned counsel for the petitioner submits that in view of the policy framed by the University with respect to promotion to higher posts vide Memo No. 14327-69/12 dated 21.09.2012, the advertisement was published by the University and the petitioner applied for promotion. Accordingly, an interview was conducted and pursuant to such interview, he was declared successful. It has next been submitted that the University did not grant promotion only for the reason that the petitioner's initial appointment was on compassionate grounds, which view of the authorities under the University, is contrary to the dictum of the Full Bench of this Hon'ble Court as well as the judgment/order passed in C.W.J.C. No.18985 of 2015 (Ajay Kumar Sah vs. State of Bihar & Ors), appended as Annexure-P-15 to the writ application. The coordinate Bench disposed of the



writ application in light of the judgment rendered in C.W.J.C. No.8532 of 2008 dated 19.07.2011, whereby this Court had directed the case of Ajay Kumar Sah to be decided in terms of C.W.J.C. No.8532 of 2008.

4. It has next been submitted that the University, in compliance with the order passed in C.W.J.C. No.18985 of 2017 vide order dated 16.02.2018, had directed the University to consider the case of Ajay Kumar Sah, and the University, vide office order, has granted such promotion, which is contained in Annexure-P/16 to the writ application.

5. It is further contended that the petitioner is said to have represented before the University for grant of similar treatment vide his representation dated 23.06.2025, Annexure-19 to the writ application, appending the judgments which, according to the petitioner, finds favour and his case is squarely covered by the ratio laid down by this Court in the said case.

6. On the other hand, learned counsel for the University submits that the representation which is said to have been submitted before the Registrar of the University may be directed to be considered in accordance with law, and in case the petitioner's case is found to be similar to that of Ajay Kumar Sah (petitioner of CWJC No.18985 of 2017), his case shall also



be decided and the benefits which are said to have been extended in favour of Ajay Kumar Sah shall also be extended in favour of the petitioner within such time.

7. Considering the foregoing discussions, this case is being disposed of with a direction that the entire exercise with respect to the consideration of the petitioner's representation shall be completed by passing a reasoned and speaking order, within six weeks from the date of production/receipt of a copy of this order. If required, the petitioner may be called upon to submit a response to any query which, according to the University, is necessary for adjudicating the *lis* in question. Upon such consideration, if the case is found to be valid in law, the same shall be extended to the petitioner without any delay.

(Ajit Kumar, J)

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