

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.550 of 2022

In
Civil Writ Jurisdiction Case No.18857 of 2021

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Shamshad Ali, Son of Late Md. Hasan Ali, Resident of Mohallah- Lalbagh,
P.S.- Darbhanga Town, District- Darbhanga (Bihar) Presently working as
Assistant (Incharge Librarian), C.M. College Darbhanga (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department,
Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
2. The Director, Higher Education, Government of Bihar, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
5. The Principal, C.M. College, Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Md. Shahnawaz Ali, Advocate
For the University	:	Mr. Nadim Seraj, Advocate
	:	Mr. Shailesh Kumar, Advocate
For the State	:	Government Advocate-12
	:	Mr. Apurva Kumar, AC to GA-12

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 05-12-2025

Heard Md. Shahnawaz Ali, learned counsel for the
appellant, learned counsel for the State and Mr. Nadim Seraj,
learned counsel for the University.

2. The present appeal is directed against the order dated
16.09.2022 passed in C.W.J.C. No. 18857 of 2021.



3. Learned counsel for the appellant submits that the appellant had filed the aforesaid writ petition for direction to the respondent authority to promote the appellant as similarly situated persons who were appointed by the same letter, were promoted with effect from 01.01.2006 in C.M. College. The appellant is working on the post of In-charge Librarian, so appellant may be paid the salary alongwith admissible allowances of Librarian.

4. Learned counsel for the appellant further submits that appellant was appointed as Assistant in C.M. College, Darbhanga on 15.06.1993 and then was regularized vide letter dated 21.12.1995. He further submits that the appellant was working in the C.M. College, Darbhanga but no promotion was granted to him and he was appointed as In-charge Librarian by a duly constituted Library Committee of C.M. College, Darbhanga, in accordance with law on 07.05.2010. The appellant was not promoted on the post of Librarian, while several persons were promoted, in accordance with law, under the Statute of the Universities. The appellant has requisite qualification to be promoted on the post of Librarian. The appellant has passed Bachelor and Master of Library & Information Science Examination, in the year 2004 & 2005 from Nalanda Open University. The appellant has also



passed Masters of Arts in Sociology Examination, held in the year 2007-08, by Nalanda Open University.

5. Learned counsel for the appellant further submits that appellant had requisite qualification to be appointed as Librarian but he was not granted routine promotion by the University while similarly situated persons were promoted and appointed to the post, which they deserve.

6. Learned counsel for the appellant further submits that the appellant had filed several representations before the authority concerned but no action, whatsoever, was taken by the authority concerned, then the appellant had approached this Court in C.W.J.C. No. 18857 of 2021 but the same was dismissed vide order dated 16.09.2022. He further submits that learned Writ Court has not considered the case of the appellant and has been pleased to dismiss the same and that he is eligible for the promotion to the post of Librarian.

7. A counter affidavit has been filed on behalf of the respondent nos. 3 and 4. Learned counsel for the University submits that the statute of promotion of non-teaching employees working in different colleges and universities of Bihar has been approved by the Hon'ble Chancellor of Universities and after promulgation of the statute, it is mandatory for the answering



University to act thereupon. As per the statute, employees have to appear in the written departmental examination and upon being declared successful, the candidates/appellants have to face viva-voice test and upon being declared successful in both the examinations, the employees will be eligible for promotion. A departmental examination of non-teaching employees for promotion was held in the year 2015 and the eligible candidates were promoted to the higher post, in accordance with law. As per the information received from the establishment section of the University, the appellant had also appeared in the written examination but could not qualify and accordingly was not promoted to the post of Librarian. Learned Writ Court has rightly dismissed the writ petition, on the ground, that in the year 2012, when other persons were promoted, the appellant was not eligible, and when the appellant was eligible, he appeared in the written examination but he could not succeed in the examination for promotion, so, University has rightly not promoted the appellant.

8. The appellant has not been able to dislodge the finding of the learned writ court that in the year 2012 he was not eligible to be considered for promotion on post of librarian. Also, he did not qualify the exam held in the year 2015 for the purpose of promotion on post of librarian.



9. Having heard the learned counsel for both the parties and perused the materials available on record, it transpires that the appellant has not passed the written departmental examination, as per statute of promotion of non-teaching employee, so, the University has rightly not promoted the appellant and the Writ Court has rightly dismissed the writ petition.

10. Therefore, we find no merit in the present appeal. Accordingly, the present appeal stands dismissed.

11. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

I agree.

(Rajesh Kumar Verma, J)

Suruchi/-

AFR/NAFR	NAFR
CAV DATE	26.11.2025
Uploading Date	08.12.2025
Transmission Date	NA

