

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3077 of 2024

In
Miscellaneous Jurisdiction Case No.3534 of 2018

Thakur Bhartendu Jee son of Late Prabhu Narayan Thakur, Resident of Village and Post-Kusaiya, P.S.-Warisnagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Shri Robert L. Chongthu, Secretary Education Department Bihar Patna.
2. Prof. S.K. Singh, Vice Chancellor, L.N. Mithila University, Darbhanga.
3. Col Nisheeth Kumar Rai, Registrar, L.N. Mithila University, Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Additional Advocate General 13

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 14-02-2025 Heard the parties.

2. The present petition has been preferred for grant of following reliefs:-

“(i) Issuance of direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the L.N. Mithila University, Darbhanga (hereinafter referred to as “the University”) to take steps towards considering the case of the petitioner for appointing/upgrading him against a Class-III post in the services of the University on the basis of the qualification possessed by him at the time of his initial appointment on



compassionate basis in the services of the University in a similar manner as other similarly situated persons appointed on compassionate basis in the services of the University have been adjusted against Class-III posts with effect from the dates of their initial appointment in view of the educational qualifications possessed by them and availability of vacancies under the University during the relevant time; and/or

(ii) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing that part of the decision of the Syndicate of the University taken during its meeting held on 08/09/2016, by which, it has been decided that such persons who have been appointed in the services of the University against different non-teaching posts on compassionate basis could not be considered for the grant of promotion;

(iii) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the decision contained in the minutes of the meeting of the Promotion Committee of the University taken during its meeting held on 30/08/2016, by which, inter alia, it has been decided that such persons who have been appointed against different non-teaching posts in the services of the University on compassionate basis could not



be considered for grant of promotion in the services of the University;

(iv) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the University to take steps towards considering the case of the petitioner for granting him promotion from due date on the basis of the performance in the written examination conducted by the University in furtherance of the Statutes framed in terms of the provisions contained under section 3 6(7) of the Bihar State Universities Act, 1976, by which the provisions for considering cases of non-teaching employees working in different universities within the State of Bihar for promotion has been laid down;

(v) Issuance of a direction, order or writ, including writ in the nature mandamus commanding the concerned authorities under the University to extend all the consequential benefits in terms of pay fixation, arrears of salary, etc. in favour of the petitioner after granting him promotion against a Class-III post in the services of the University in terms of the statutes being notified by the Hon'ble Chancellor of Universities as contained in the notification



dated 04/03/2014 issued by the concerned authorities under the Governor’s Secretariat, Bihar, Patna;”

3. A show-cause has been filed by the opposite party showing the compliance of the order and the learned counsel for the petitioner also submits that the same stands complied.

4. Accordingly, M.J.C. No. 3077 of 2024 stands disposed of.

(Rajiv Roy, J)

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