

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17643 of 2023

1. Ravi Kumar Son of Raj Kishore Bahadur Resident of Gandhi Nagar, Road No. 1, Kolhua Paigambarpur, P.S.- Ahiyapur, District- Muzaffarpur, presently working as a IIIrd Grade Employee on daily wages basis/contractual basis in B.R.A. Bihar University, Muzaffarpur.
2. Ritesh Kumar, Son of Biteshwar Thakur Resident of Room No. 7, Driver Quarter, Bihar University Campus, Muzaffarpur, P.S. University, District- Muzaffarpur, presently working as a IIIrd Grade Employee on daily wages basis/contractual basis in B.R.A. Bihar University, Muzaffarpur.
3. Chandan Kumar, Son of Biteshwar Thakur Resident of Room No. 7, Driver Quarter, Bihar University Campus, Muzaffarpur, P.S. University, District- Muzaffarpur, presently working as a IIIrd Grade Employee on daily wages basis/contractual basis in B.R.A. Bihar University, Muzaffarpur.
4. Kundan Kumar, Son of Shiv Kumar Das Resident of Village- Jagdishpur, Purvi Tola, P.O. Pirapur, District- Vaishali at Hajipur, presently working as a IIIrd Grade Employee on daily wages basis/contractual basis in B.R.A. Bihar University, Muzaffarpur.
5. Prashant Kumar, Son of Umesh Shukla Resident of Village- Pratap Tand, P.O.- Pratapgarh, P.S.- Bhagwanpur, District- Vaishali at Hajipur, presently working as a IIIrd Grade Employee on daily wages basis/contractual basis in B.R.A. Bihar University, Muzaffarpur.
6. Amit Kumar Thakur, Son of Narendra Kumar Thakur Resident of Village- Ratanpur, P.O.- Abhiman, District- Darbhanga, presently working as a IIIrd Grade Employee on daily wages basis/contractual basis in B.R.A. Bihar University, Muzaffarpur.
7. Dinesh Kumar, Son of Kauleshwar Thakur Resident of B.R.A., B.U. Campus, Muzaffarpur, P.S. University, District- Muzaffarpur, presently working as a IV Grade Employee (Cook) on daily wages basis/contractual basis in B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Education Department, Government of Bihar, Patna.
4. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur through the Registrar.
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The Finance Officer, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.
For the State : Ms. Archana Meenakshee, G.P.-6
For the University : Mr. Sriram Krishna, Adv.
Mr. Prabhat Kumar Singh, Adv.
Mr. Shashank Shekhar Kunwar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-01-2025 Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. By filing the present writ application, the petitioners
have prayed for the following reliefs:

(I) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent Authorities to regularize the services of the petitioners on the ground that petitioner nos. 1 to 6 are working as a 3rd Grade Employees whereas petitioner no.7 is working as a 4th Grade employee in B.R.A. Bihar University as daily wagers continuously since long against the sanctioned and vacant posts and the services of similarly situated persons have already been regularized by the respondent University ignoring the better claim of the petitioners.

(II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing respondent University to grant consequential benefit of service counting the services of the petitioners from



the date of their initial appointment.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that the case of the petitioners are squarely covered by order of this Court as contained in Annexure-27 passed in C.W.J.C. No. 3631 of 2023, Annexure-25 passed in C.W.J.C. No. 9440 of 2016 and Annexure-23 passed in LPA No. 1491 of 2012. Learned counsel further submits that the State of Bihar has a litigation policy known as Bihar State Litigation Policy, 2011 and as per Rule 4(c)(1) of the said policy, if the claim of the petitioners are covered by any decision of this Court then such claims are required to be considered at the level of the Department itself without compelling the claimants to litigate the matter in the Court.

4. It is submitted that following the aforesaid view, this Court has disposed of C.W.J.C. no. 2239 of 2023 on 01.08.2023 with a direction to the Vice Chancellor of the University to consider the representation of the petitioners keeping in view the judgments of this Court and take an appropriate decision within a period of three months from the date of



receipt/production of a copy of this order.

5. Learned counsel for the State and the University submits that they have no objection if the present writ petition is disposed of in terms of the order dated 21.08.2023 passed in C.W.J.C. No. 3631 of 2023.

6. Having regard to the aforesaid submissions, this writ petition is disposed of with a liberty to the petitioners to file a representation before the Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (respondent no.5) within a period of four weeks from today.

7. In case such a representation is filed by the petitioners within the stipulated period, the respondent no. 5 is directed to consider the representation of the petitioners keeping in view the judgments of this Court and take an appropriate decision within a period of three months from the date of receipt/production of a copy of this order.

8. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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