

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17730 of 2023

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1. Mogal Sah son of Mahendra Sah, Resident of Village-Keota, Dhepura, Ward No. 3, Police Station-Dalsing Sarai, District-Samastipur.
 2. Ramashray Choudhary, son of Late Sitaram Choudhary, resident of Village-Mahmadpur Sakra, Police Station-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Deputy Secretary of Government, Higher Education Department, Govt. of Bihar, Patna.
4. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshar Nagar, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Kameshar Nagar, Darbhanga.
6. The Finance Officer, Lalit Narayan Mithila University, Kameshar Nagar, Darbhanga.
7. The Principal, R.B. College, Dalsing Sarai, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Adv.
For the Respondent/s	:	Mr. Kameshwar Kumar, GP17
For the University	:	Mr. Shailesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-01-2025 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the University.

2. The present writ petition has been filed seeking the following reliefs:

“I. To issue a writ in the nature of Certiorari for quashing the office order dated 12.8.2023, issued under the Signature of Vice-Chancellor Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga (Respondent no.4) because



the submitting representation in the light of order passed in C.W.J.C. No.6544 of 2016 dated 04.04.2018 has been rejected by a reasoned and speaking order of Respondent no.4 ignoring the order of the Apex Court (Civil Appeal No.2835 of 2015 and the decision of a Co-ordinate Bench of this Hon'ble Court passed in C.W.J.C.No.1489 of 2013 in which a clear direction as per the para-53 of the judgment passed in the case of Uma Devi (Supra) which clearly speaks that if any employee working in daily wage basis has worked for 10 continuous years, he/she is entitled for regularization of service.

II. To set aside the reasoned and speaking order passed by the Respondent no.4 on 12.08.2023 that the similarly situated persons has/have already been regularized in their services in the light of judgement passed in Uma Devi's case (Supra) because the petitioners were appointed by the Principal of R.B. College, Dalsing Sarai Samastipur (Respondent no.7) on sanctioned and vacant post after retirement of prior employees and issued Sankalp vide Memo no.989 dated 10.05.1991 is not sustainable in law while the appointment of petitioner no.1 dated 01.06.1989 and petitioner no.2 was dated 11.01.1991 where both the petitioners completed their services 10 years in regular mode.”

3. Considering the whole conspectus of the matter and the fact that the petitioners were dismissed from the service by the order of the Vice-Chancellor, this Court deems it fit and proper to direct the petitioners to file an appeal before the Chancellor within two months and the office of the Chancellor is directed to consider the case of the petitioners after affording opportunity of personal hearing or through their counsel and



pass a reasoned and speaking order in accordance with law within one month after receiving such appeal.

4. With the aforesaid direction, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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