

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11614 of 2019

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Jay Prakash Mandal S/o Late Ladu Mandal Resident of Asanandpur, Quarter
No. TH- 35, P.O.- Naya Bazar, P.S.- Univ. APO, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
4. The Vice Chancellor, Tilkamanjhi Bhagalpur University, Bhagalpur.
5. The Registrar, Tilkamanjhi Bhagalpur University, Bhagalpur.
6. The Head of the Department, Post Graduate Department of Sanskrit, Tilkamanjhi, Bhagalpur University, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (GP17)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

11 06-07-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The writ petition has been filed for the following
reliefs:-

(i) For issuance of appropriate writ(s) thereby quashing and setting aside the order as contained in memo no. 931-934 dated 15.12.2018 whereby and where under the respondent no. 5 has rejected the petitioner's representation and claim to absorb the petitioner's services on the post of Assistant on which post he has been working since 15.04.2005 but regularized as electrician on lower scale of pay.



(ii) For issuance of appropriate writs thereby commanding and directing the respondents concerned to absorb the petitioner's services on the post of Assistant on which post he has been working since 15.04.2005 (Annexure - 5) but not yet absorbed and notified rather his services has been regularized as electrician on the lower pay scale despite the fact that he is B.A. (Hon's) with second division in social science

(iii) For consequently directing and commanding the respondents to remove the petitioner's pay anomaly by fixing his pay in the scale of 9300-34,800 as also to fix his modified assured career progression (MACP) in revised scale along with the payment of differential amount of pay fixation with interest and cost.

(iv) For grant of other consequential benefits arising there to.

(v) For grant of any other relief(s) which the petitioner may be entitled to in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the appointment of the petitioner was made vide Office Order No. 159/2002 dated 04/07/2002 as against class – 03 post and appropriate vacant post under class – 03 category is said to have been allotted vide Office Order as contained in Memo No. 32/2003 dated 25/26.01.2003 being the post of *Electrician*, which was subsequently identified as against the post of Assistant by the University vide Office Order bearing No.



65/2005 as contained in Memo No. B/1069-1129 dated 15.04.2005, which is appended as Annexure-5 of the writ petition.

4. Learned counsel for the petitioner, to buttress his submissions and duties being discharged on the post of Assistant in the Department of Political Science, various certificates having been issued by the Head of the Department, dated 15.10.2009, 12.10.2015, 06.01.2017 & 26.09.2017 is said to have been placed on record for consideration, which is not disputed by the respondents. It has next been submitted that the representation has been made for making appropriate corrections in the Absorption Letter dated 88/2006 issued vide Memo No. B/15723-963 dated 27.05.2006, but for unexplained reasons, the same was not corrected, owing to which the petitioner was subjected to file writ petition before this Court and vide Order dated 07/02/2018 passed in CWJC No. 17419 of 2017, this Court passed the following orders.

“Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

The grievance of the petitioner in the present writ petition is that he has been absorbed against the post of Electrician although he was working in the University against the post of Assistant and still he is working on that post.



Learned counsel for the petitioner submits that the petitioner has approached the University by filing representation as contained in Annexure-16 series.

Since the representation of the petitioner is pending before the Registrar of the University, the writ petition is disposed of with a direction to the Registrar of the University to take final decision on the representation of the petitioner as contained in Annexure-16 series within a maximum period of three months from the date of receipt/production of a copy of this order.”

5. It has next been submitted that after representation having been filed, which is appended with the writ petition as Annexure-16 series, the impugned order dated 15/12/2018 is said to have been passed.

6. From the perusal of the reasoned order passed by the University, which is issued under the signature of the Registrar, Tilkamanjhi Bhagalpur University doesn't show appropriate consideration of all these material issues raised here-in-above forming part of the record, which the authorities of the University were required to have considered during the course of the consideration.

7. It is in this background this Court is fully convinced that this reasoned order, as claimed, has been passed without showing any application of mind. Accordingly, the



order as contained in Memo No. 931-934 dated 15.12.2018 is set aside and the Registrar, Tilkamanjhi University, Bhagalpur is directed to pass appropriate order by constituting a committee in similar terms to examine all these issues raised in this case and pass appropriate order and on consideration, if it is found that this petitioner had been discharging duties of Assistant since 2005, appropriate reasoned order shall be passed by making appropriate correction in the post as has been done in the case of others, which is appended with the writ petition as annexure-14, which is issued under the signature of Registrar, Tilkamanjhi, Bhagalpur, University dated 30.05.2016, all such benefits shall be extended to the petitioner within a period of six weeks from today, which has been extended to others.

8. Accordingly, this writ petition stands disposed of.

9. Interlocutory Applications, if any, shall also stand disposed of.

(Ajit Kumar, J)

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