

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.423 of 2026

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Kumar Amresh S/o Late Lalit Kumar Yadav, resident of - Kirtan Bhagan Road, District - Madhubani. Presently posted as Correspondence Clerk at R.K. College, Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
4. The Vice Chancellor, L.N. Mithila University, Darbhanga.
5. The Registrar, L.N. Mithila University, Darbhanga.
6. The Finance Officer, L.N. Mithila University, Darbhanga.
7. The Principal, Ram Krishna College, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv. Mr. Ritesh Ranjan, Adv.
For the Respondent/s	:	Mr. Government Advocate (11)
For the LNMU	:	Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-01-2026

Heard the parties.

2. The petitioner was duly appointed against a Class-IV post on compassionate ground vide Memo No. 6506-6639/05 dated 08.05.2005; subsequently in the light of the order passed by this Court in CWJC No. 11361 of 2007, he has been adjusted against the Class-III post, on being found having proper qualification for the said post.

3. The grievance of the petitioner is in limited bound



to the extent that despite having successfully passed the written test examination for promotion from the post of Lower Division Clerk to Upper Division Clerk w.e.f. due date, in view of the order dated 16.12.2018 passed in CWJC No. 18985 of 2017 read with Clause 4(c) of the Bihar State Litigation Policy, till date no decision has been taken whereas, other identically situated persons, who have approached this Court, they have been promoted to the higher post and, as such, discrimination has been caused and the petitioner has been compelled to approach this Court.

4. Mr. Shashi Bhushan Singh, learned Advocate for the petitioner submitted that the claim of the petitioner has not been considered for promotion, despite having duly qualified in the written test, merely on the ground that the petitioner was duly appointed on compassionate ground.

5. Once a person has been appointed in the service of the University, he became an employee of the same and hence, he has to be given equal treatment *vis-a-vis* other Class-IV employees and has to be considered for all benefits under the Rule available to the Class-IV employees. To support the aforesaid contention, reference has been made to the order passed by this Court in CWJC No. 8532 of 2008. It is further



contended that identically situated person, who have been deprived from promotion from lower post to higher post, despite having been passed the written test, they have approached this Court by filing different writ petitions, including CWJC No. 18985 of 2017 and CWJC No. 5147 of 2018, they have been extended promotion in the light of the order passed by this Court.

6. The University, who is a State within the definition of Article 12 is bound to follow the State Litigation Policy especially Clause 4(c)(i) thereof, that in case the benefit of covered matter has been extended to certain employees, the similar benefits should be given to all such employees, who are identically situated. For redressal of the grievance, the petitioner has also filed representation before the Registrar, Lalit Narayan Mithila University, Darbhanga; the copy of which is placed on record as Annexure-P/16. However, till date, no final decision has been taken.

7. Learned Advocate for the University and the State fairly submitted that since the petitioner has already approached before the concerned authority, who is competent in this behalf and take a final decision.

8. Having considered the submissions advanced by



learned Advocate for the respective parties and taking note of the aforesaid facts, the present writ petition stands disposed off with a direction to the Registrar, Lalit Narayan Mithila University, Darbhanga to consider the representation of the petitioner, especially in the light of the order of this Court, referred hereinabove and take a final decision, preferably within a period of ten weeks, from the date of receipt/production of a copy of this order.

9. While disposing the writ petition, the respondent authorities are also obliged to keep in mind that as to whether the case of the petitioner is identical to those, who have been accorded promotion, in terms with the order of this Court. In case the petitioner is not suited, the decision must be followed by a reasoned and speaking order.

10. Accordingly, the writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.01.2026
Transmission Date	NA

