

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1396 of 2026

Rupesh Kumar S/o Late Bharat Prasad Nayak, Resident of- ward No.3, Near J.N. College Gate, Madhubani District- Madhubani. Presently posted as Lower Division 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

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh
For the State	:	Mr.Ritesh Suman, AC to SC13)
For the University	:	Smt.Binita Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-01-2026 In the instant petition, petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondents to grant promotion to the petitioner on post of Upper Division Clerk from due date in view of order dated 16.02.2018 passed in CWJC No.18985/2017 read with clause -4 (c) of Bihar litigation Policy, as the petitioner has also declared successful in the written test but he has not promoted mere on the reason that he was appointed on



compassionate ground like the petitioner of CWJC No.18985/2017 whereas under the same and similar circumstances petitioner of CWJC No. 18985/2017 has been granted promotion vide Memo No.C/DR-I/13230-41/24 dated 13.07.2024 w.e.f. 27.09.2016 and further a direction to grant consequential benefit there upon.

(ii) For issuance of any other appropriate writ/writs, order/orders, direction/ directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

2. Counsel for the petitioner submits that the petitioner's case is squarely covered by the judgment rendered by Co-ordinate Bench in the case of ***Ajay Kumar Sah vs. State of Bihar & Ors.*** vide its order dated 16.02.2019 passed in CWJC No. 18985 of 2017, which has attained finality and relying upon the said order, this Court has also passed order dated 09.09.2025 in CWJC No. 14876 of 2025 (***Shashi Shekhar Prasad Yadav vs. State of Bihar & Ors.***), in which the following direction have issued in Para 6 and 7, which is reproduced as under:-

“6. On the other hand, learned counsel for the University submits that the representation which is said to have been submitted before the Registrar of the University may be directed to be considered in accordance with law, and in case the



petitioner's case is found to be similar to that of Ajay Kumar Sah (petitioner of CWJC No.18985 of 2017), his case shall also be decided and the benefits which are said to have been extended in favour of Ajay Kumar Sah shall also be extended in favour of the petitioner within such time.

7. *Considering the foregoing discussions, this case is being disposed of with a direction that the entire exercise with respect to the consideration of the petitioner's representation shall be completed by passing a reasoned and speaking order, within six weeks from the date of production/receipt of a copy of this order. If required, the petitioner may be called upon to submit a response to any query which, according to the University, is necessary for adjudicating the lis in question. Upon such consideration, if the case is found to be valid in law, the same shall be extended to the petitioner without any delay."*

3. On the other hand, counsel for the State submits that the petitioner may be directed to file a detailed representation in the light of judgment rendered by the Co-ordinate Bench in the case of **Ajay Kumar Sah** (supra), which shall be examined by Registrar, Lalit Narayan Mithila University, Darbhanga and finding his case to be similar, then necessary orders shall be passed in accordance with law.

4. Considering the submission of the parties, this Court finds appropriate in directing the petitioner to file a



detailed representation, along with the supportive materials and the orders passed by this Court, within a period of four weeks.

5. On filing such representation, the same shall be adjudicated within the further period of six weeks and if found entitled, benefits shall also be extended to petitioner, within the same time by passing a reasoned and speaking order.

6. Accordingly, the instant writ petition stand disposed of.

(Ajit Kumar, J)

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