

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1174 of 2017

IN
Civil Writ Jurisdiction Case No. 12290 of 2016

- =====
1. The State of Bihar, through the Principal Secretary, Department of Industry Government of Bihar, Patna.
 2. The Director, Handloom and Sericulture, Department Industry Government of Bihar, Patna

.... Appellant/s

Versus

1. Shiv Kumar Son of late Dharmdeo Sao, Resident of Village-Fatyabad P.O. and P.S. Fatyabad District Muzaffarpur.
2. Chandrika Prasad Son of Mahavir Sao, Resident of Village and Post Dhamhara P.S. Baniyapur District Chapra.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nirmal Kumar Sinha-3

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-09-2017

Interlocutory Application No. 6153 of 2017

The Interlocutory Application has been filed for condonation of delay of 123 days in filing of this appeal.

The delay of 123 days in filing of this appeal is condoned.

Accordingly Interlocutory Application No. 6153 of 2017 stands allowed and disposed of.

This is an appeal filed by the State Government



seeking exception to an order dated 23.03.2017 passed by the learned Writ Court in Civil Writ Jurisdiction Case No. 12290 of 2016.

The respondents were appointed in the year 1986 and by Memo No. 128 dated 06.02.2017 they have been regularized with effect from the date the order was issued i.e. 06.02.2017. Their grievance in the writ petition was to advance the date of regularization with effect from their initial date of appointment in terms of a decision taken by the State Government in a Departmental Memo No. 280 dated 14.02.2013.

It was pointed out by the respondents that in the case of 13 clerks identically situated, based on the Memo No. 280, dated 14.02.2013, they have been regularized from their initial date of appointment and not granting the aforesaid benefits to the respondents, the discrimination has been meted upon.

Learned Writ Court after examining this issue found that in the case of 13 persons, they have been granted regularization from the date of their initial appointment and there is no reason or justification given for not granting similar benefits to the present respondents. Taking note of the aforesaid, the learned Writ Court directed the Director, Handloom and Sericulture to consider the claims of the respondents for shifting the date of regularization to their initial date of appointment in the light of the stipulation



contained in Annexure-6, the Memo No. 280 dated 14.02.2013 and pass appropriate order within a period of three months from the date of receipt of the certified copy of the order.

Learned Writ Court having found discrimination in the matter and has directed the Director, Handloom and Sericulture to reconsider the matter, we see no reason to interfere into the matter. However the time granted by the learned Writ Court is extended by a further period of two months from today.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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