

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1425 of 2015
IN
Civil Writ Jurisdiction Case No. 15641 of 2014**

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1. Sulekha Kumari wife of Santosh Kumar Prabhakar, resident of village Kiratpur, Rajaram, P.O. & P.S. - Bhagwanpur, District Vaishali.

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social and Welfare Department, Bihar, Patna.
3. The Director, I.C.D.S. Social and Welfare Department, Bihar, Patna.
4. The Deputy Director, Welfare, Tirhut Division, Muzaffarpur.
5. The Commissioner, Tirhut Division, Muzaffarpur.
6. The District Magistrate, Vaishali.
7. The District Programme Officer, Vaishali.
8. The Child Development Project Officer, Patepur, Block Patepur, District - Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar

For the Respondent/s : Mr. MD. N. HODA KHAN

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-09-2017

Seeking exception to an order passed on 03.07.2015 in C.W.J.C. No. 15641 of 2014 dismissing the writ petition of the petitioner on the ground that the petitioner was only a contract employee and on the engagement on contract basis the benefit of the permanent government servant is not available to her. Records indicate that the petitioner Sulekha Kumari and one Pratima Kumari were appointed in the department as Lady Supervisors on contract



basis in pursuance of a resolution passed by the department on 09.07.2014 vide Annexure-2/1 to this supplementary affidavit filed on 21.07.2017. Thereafter on account of various factors the contract appointment of both the persons were terminated. Resultantly, two writ petitions were filed before this Court, one being C.W.J.C. No. 15641 of 2014 by the present appellant Sulekha Kumari and the other being C.W.J.C. No. 5054 of 2015 by Pratima Kumari. In the case of present appellant Sulekha Kumari the respondents came out with the case that she was a contract appointee and therefore, she was not entitled to be extended any benefit. Thereafter her writ petition was dismissed.

However, we find that in the other writ petition filed by Pratima Kumari, i.e. C.W.J.C. No. 5054 of 2015 it was indicated that a show cause was issued to the petitioner therein and, thereafter on 10.07.2015 the order was passed in the following manner:

“The District Magistrate, Hajipur, Vaishali, is directed to issue show cause to the petitioner and after response given by the petitioner, appropriate decision will be communicated to her.

With the aforesaid observation and direction, the writ petition is disposed of.”

We are informed that after considering her response to the show cause notice, she has been appointed vide Annexure-7 to the supplementary affidavit on 24.08.2016 and in case of the present



appellant it is said that a different yardstick has been implemented and similar benefit has not been granted to her, even though, the writ petitions were disposed of by the same Bench within a time frame of about a week. It is a cardinal principle of law that parity in the disposal of identical matter should be maintained and all cases of identical nature should be dealt with and disposed of in a similar fashion. Only because in the case of Pratima Kumari, the respondents took the stand that they had issued show cause to her and as she was a contractual employee her services was terminated, the learned writ court directed that after evaluating the response to the show cause in the case of Pratima Kumari action be taken and, there is no reason as to why similar benefit should not be granted to the petitioner also.

Keeping in view the aforesaid, we allow this appeal and quash the order dated 03.07.2015 passed in C.W.J.C. No. 15641 of 2014 and direct the respondents to take a decision identical in nature as was done in the case of Pratima Kumari. Issue show cause notice to the petitioner and thereafter decide her claim in accordance with law after considering her response and the benefit granted to Pratima Kumari. In case, the respondents hold that the case of Pratima Kumari is entirely different, as compared to the case of present petitioner, it shall be incumbent upon the respondents to assign reasons for the said finding and pass a speaking order within a period of 60 days.



With the aforesaid observations, this application is disposed of.

Accordingly, the appeal stands allowed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	NA

