

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4101 of 2016

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1. Pramod Kishore Narayan, Son of Late Abinash Kishore Narayan, resident of Road No. 8, Quarter No. 14, Bihar Veterinary College Campus, P.S. - Patna Airport, District - Patna.
 2. Vinay Kumar, Son of Late Ram Bhajan Singh, resident of Village & P.O. - Chhoti Akona, P.S. - Ghosi, District - Jehanabad.
 3. Md. Waseem, Son of Late Abdul Shakur, resident of Nasheman Colony, Khajurbanna, Patthar Ki Masjid, P.O. - Mahendru, P.S. - Sultanganj, District - Patna.
 4. Bir Chand Patel, Son of Isri Mahto, resident of Mohalla - Purandarpur (Near Devi Sthan), P.O. - G.P.O., P.S. - Jakkanpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. Agriculture Production Commissioner, Bihar, Patna.
4. Chancellor, Universities of Bihar (Rajendra Agriculture University, Pusa, District-Samastipur/Bihar Agriculture University, Sabaur, District - Bhagalpur, Raj Bhawan, Patna.
5. Rajendra Agriculture University, Pusa, District - Samastipur through its Registrar.
6. Vice-Chancellor, Rajendra Agriculture University, Pusa, District - Samastipur.
7. Registrar, Rajendra Agriculture University, Pusa, District - Samastipur.
8. Director, Administration, Rajendra Agriculture University, Pusa, District - Samastipur.
9. Controller, Rajendra Agriculture University, Pusa, District - Samastipur.
10. Bihar Agriculture University, Sabaur, District - Bhagalpur through its Registrar.
11. Vice-Chancellor, Bihar Agriculture University, Sabaur, District - Bhagalpur.
12. Registrar, Bihar Agriculture University, Sabaur, District - Bhagalpur.
13. Director, Administration, Bihar Agriculture University, Sabaur, District - Bhagalpur.
14. Controller, Bihar Agriculture University, Sabaur, District - Bhagalpur.
15. Principal, Bihar Veterinary College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Varma, Advocate
For the State	:	Mr. Ravi Verma, A.C. to G.P. 4
For the BAU	:	Mr. Anjani Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-04-2017

Heard learned counsel for the parties.



2. The petitioners have moved the Court for the following reliefs:-

(i) For commanding the respondents to pay upgraded pay scale to the petitioners, as has been given to the similarly situated persons, like the petitioners vide Office Order contained in Memo No. 485, dated 05.05.2014 issued under the signature of Director, Administration, Rajendra Agriculture University (hereinafter referred to as 'The RAU'), Pusa, Samastipur.

(ii) For holding that the present petitioners were petitioner Nos. 29, 30, 31 and 32 respectively in writ petition being C.W.J.C. No. 2187 of 1997 (Baleshwar Prasad and others Vs. The State of Bihar and others), but only the petitioner Nos. 1 to 28 of the aforesaid writ petition (C.W.J.C. No. 2187 of 1997) have been given the upgraded pay scale by the Office order dated 05.05.2014 and the present petitioners have been denied the same.

(iii) For holding that the present petitioners have been denied the upgraded pay scale on the ground that their services have been transferred from RAU to Bihar Agriculture University (hereinafter referred to as 'The RAU'), Sabaur, Bhagalpur in the month of August, 2010, and as such the action of the respondent authorities in denying them the upgraded pay scale is illegal, arbitrary, malafide, discriminatory and without any lawful justification.

(iv) For grant of any such other relief or reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case."

3. The only ground on which the petitioners claim such relief is that other similarly situated persons have been allowed such relief, though pursuant to orders of the Court, which has been affirmed by the Hon'ble Supreme Court.



4. Learned counsel for the State, after seeking clarification and also on the basis of averments made in the counter affidavit on behalf of respondents no. 2 and 3, submitted that the petitioners have claimed parity but in fact, the petitioners are not similarly situated to persons, who had moved the Court and in whose case, pursuant to judicial orders, such benefit has been given and even later on when others similarly situated had approached the Court, the Court had directed for grant of similar benefit only on the ground that they were similarly situated but because the petitioners are not similarly situated, they are not entitled to the relief. From perusal of the records, at paragraphs no. 7 and 9 of the counter affidavit filed on behalf of respondents no. 2 and 3, there is a categorical stand taken that the said upgraded pay scale was never allowed to the petitioners by the University nor was it withdrawn.

5. The Court finds substance in the contentions of learned counsel for the State that it had not released any money for being paid to the petitioners for the simple reason that neither was there any order of the Competent Authority nor of the Courts in their case and even others, who had been granted such relief by the Court, it was only on the basis that similarly situated persons who were initially granted upgraded scale and later on such grant was withdrawn, were entitled to such relief.



6. Copy of the counter affidavit was served on learned counsel for the petitioners on 23.03.2017, but neither any rejoinder has been filed nor anything has been brought on record to indicate that such stand of the State is incorrect factually.

7. In view of the aforesaid, the Court does not find any reason to interfere in the matter and accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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