

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8168 of 2017

Shiv Jee Sahani, son of Late Ramashray Sahani, Resident of Village-
Maksudpur, Police Station- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The District Primary Education, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Education Officer, Samastipur.
5. The District Programme Officer, (Establishment), Samastipur.
6. The Block Education Officer, Patory, District- Samastipur.... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Shankar Kumar Thakur, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-04-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The grievance of the petitioner is discriminatory attitude adopted by the respondents in the matter of grant of benefit of matric trained scale and other benefits.

Learned counsel for the petitioner, referring to Annexure-3, submits that similarly circumstanced others have been granted the benefit but in the matter of this petitioner they have adopted different yardstick. He has referred to the decisions of this Court in CWJC No. 3633 of 1994 dated 1.5.1995 and the order dated 29.11.2011 passed in CWJC No. 14867 of 2008.

In view of the above, the writ petition is disposed of



with a direction to the respondents to examine the claim of the petitioner and if it is found that the petitioner's claim is similar to the petitioners of the aforesaid two writ petitions the respondents may consider the case of the petitioner and grant similar relief.

It is now well settled that even in the matter of distribution of largess and bounty the State Cannot discriminate as held out in the case of **Ramana Dayaram Shetty vs The International Airport Authority: AIR 1979 SC 1628.**

In view of the above, if the respondents are granting benefits to similar circumstanced others then they are suppose to extend similar benefits particularly in view of the litigation policy of the State Government wherein it has been professed that similar benefits should be available to all the similarly circumstanced persons.

The entire exercise in this regard may be taken by the respondents within a period of six months from the date of receipt/production of a copy of this order.

In view of the above, the writ petition is disposed of.

(Anil Kumar Upadhyay, J)

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