

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10303 of 2017

Dr. Prabha Kiran W/o Sri Daya Shankar Srivastava Resident of South of
Alpana Market, Patliputra, P.O. + P.S. - Patliputra, Dist - Patna.

... .. Petitioner/s

Versus

1. The B. R. A. Bihar University, Muzaffarpur through the Registrar of the University.
2. The Vice-Chancellor, The B.R.A. Bihar University, Muzaffarpur.
3. The Registrar, The B.R.A. Bihar University, Muzaffarpur.
4. The State of Bihar through the Principal Secretary, HRD Deptt., Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad No.-1, Advocate
For the State	:	Mr. Narendra Kumar, AC - GP20
For BRA Bihar Univ.	:	Mr. Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 21-02-2018

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State as well as the University.

Vide order dated 22.12.2017 two weeks time was granted to
the respondents to file counter affidavit but neither the State nor
the University has filed the counter affidavit.

In view of the nature of issue involved in the present writ
petition, the court instead of granting further time for filing counter
affidavit, deem it fit and proper to dispose of the writ petition.

The grievance of the petitioner, in the present writ petition is
that the respondents have adopted pick and choose in the matter.

Learned counsel for the petitioner submits that in the case of
similarly circumstanced others the respondents have granted the



benefit but in the case of the petitioner different stand has been taken by the respondents. He submits that such discriminatory stand of the respondents is unsustainable in the eye of law. Referring to the order contained in Annexure-5 dated 31.3.2009 in CWJC No. 12432 of 2007, he submits that the issue was examined by a co-ordinate Bench of this Court in CWJC No. 12432 of 2007 (Manindra Nath Gupta Vs. The B.R.A. Bihar University & Ors.) and vide order dated 31.3.2009 set aside the order of recovery dated 21.5.2008 and 22.5.2008 whereby the pay scale and increment was reduced respectively and recovery was ordered. The Court also directed for return of the recovered amount.

In view of the above, the Court is left with no option but to dispose of the writ petition with a direction to the respondents to examine the case of the petitioner of this case and if his case is similar to the petitioners of CWJC No. 12432/2007, similar relief should be granted to the petitioner of this case within a period of two months from today.

In the event any amount was recovered from the petitioner, the same may be returned to the petitioner forthwith in view of the litigation policy of the State Government, whereby the State has professed that similarly circumstanced persons shall be extended



the same benefit. Final decision in this regard must be taken within 60 days from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2018
Transmission Date	

