

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1390 of 2016

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1. Anju Kumari Wife of Sri Rajesh Kumar Chaudhary, Resident of Village and P.O. and P.S. Garkha, District Saran at Chapra Petitioner

Versus

1. The State of Bihar
 2. The Deputy Development Commissioner, Saran, Chapra.
 3. The Block Development Officer, Garkha, P.O. and P.S. Garkha, District Saran at Chapra.
 4. Mukhiya, Gram Panchayat Raj, Jalal Basant, P.O. and P.S. Garakha, District Saran at Chapra.
 5. The Panchayat Secretary, Gram Panchayat Raj, Jalal Basant, P.O. and P.S. Garakha, District Saran at Chapra Respondents
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Appearance :

For the Petitioner : M/S Bipin Bihari Singh, Adv.

For the Respondents : Mr. Pramod Kumar Singh, AC to SC XVI

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 19-02-2018 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

Learned counsel for the petitioner submits that the petitioner was reinstated along with other similarly circumstanced, but, in the matter of grant of back wages, the respondent-State is adopting different yard stick, other who was petitioner in C.W.J.C. No. 5831 of 2010, disposed of on 17.09.2010, was granted the back wages, but, in the case of the petitioner the respondents have adopted different stand only on the ground that the present petitioner was not party in C.W.J.C. No. 5831 of 2010.

The stands of the respondents in the counter affidavit as set out in paragraph 7 onwards indicate that the respondents are



acting contrary to its professed litigation policy wherein they have represented that all similarly circumstanced shall be granted same benefit instead of compelling other individual to approach the law of Court for obtaining similar order.

In view of the above, the Court does not approve the stand of the respondents, in the counter affidavit. If the similarly circumstanced others have been paid back wages, the Court see no reason to carve out exception as to entitlement of the petitioner for back wages is concerned.

Accordingly, the writ application is **allowed**. The respondents are directed to extend the same benefit which was granted to the petitioner of C.W.J.C. No. 5831 of 2010 and monetary benefit in the nature of back wages must be paid to the petitioner within a maximum period of sixty days, from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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