

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16725 of 2015

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1. Dr. Bhushan Singh, S/o Late Ram Suresh Singh at and P.O.- Sitalpur, Babu Tola, District- Chapra.
 2. Dr. Sachida Nand Pathak, S/o Late Prabhu Datt Pathak, resident of Village- Narayanpur, P.O.- Pathahi, District- Motihari East.
 3. Dr. Birendra Kumar, S/o Late Ram Lakhan Ray, resident of Shyampur Bairo, P.O.- Hasi Kewal Via Bhaganpur, District- Vaishali.
 4. Hiralal Pandit, S/o Baualal Pandit, resident of Village and P.O. Maheshpur via Teghra, District- Begusarai.
 5. Dr. Naresh Narayan Singh, S/o Late Shyamfal Singh, at and P.O.- Sekhpur, Umesh Nagar via Ramna, District- Muzaffarpur.
 6. Kartik Kumar Verma, S/o Late Singheshwar Nath Verma, resident of Bagmali, North of Sita Chowk, Hajipur, Vaishali.
 7. Dr. Shila Verma, W/o Devendra Kumar Laxmi Narayan Nagar, Post- R.K. Ashram, Muzaffarpur.
 8. Shri Lal Prasad, S/o Late Ganga Rai, resident of Village- Sabbalpur (West Tola), P.S.- Sonapur, District- Saran.
 9. Dr. Prakash Chandra Gupta S/o Late Pashupati Nath Gupta, Sadai Hospital Chowk, Chapra, Saran.
 10. Dr. Sunil Kumar Singh, S/o Late Devendra Kishore Singh Prabhunath Nagar (Behind) Power House, Chapra, Saran.
 11. Vinay Kumar Singh, S/o Lallan Prasad Singh, Near State Bus Depot, Gopeshwar Nagar, at and P.O. Chapra, District- Chapra.
 12. Dr. Braj Kishore Tiwary, S/o Shri Sanatan Prasad Tiwary, resident of village- Kutubpur Dumri, P.O. Minapur Rai, P.S.- Hajipur Sadar, District- Vaishali.
 13. Prem Sagar Sinha, S/o Ram Niranjana Prasad Singh, at and P.O.- Deyalpur, District- Vaishali.
 14. Dr. Niranjana Kumar Singh, S/o Late Maheshwar Prasad Singh, at and P.O. Kubauli Ram, District- Samastipur. Petitioner/s
- Versus
1. The State of Bihar through the Principal Secretary, Higher Education, Government of Bihar, New Secretariat, Viaksh Bhawan, Patna.
 2. The Director, Higher Education, Government of Bihar, New Secretariat, Vikash Bhawan, Patna.
 3. J.P. University, Chapra through its Registrar.
 4. The Registrar, J.P. University, Chapra.
 5. The Vice Chancellor, J.P. University, Chapra.
 6. The Secretary, Governing Body, P.R. College, Sonapur, Chapra.
 7. Prof-in-charge, P.R. College, Sonapur, Chapra. Respondent/s
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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore Singh, Sr. Advocate
For the Respondent/s	:	Mr. Arun Kumar- Gp-1
For the University	:	Mr. Nagendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 04-12-2018

The issue raised in the instant writ application is no



more res integra.

This Court has occasioned to decide the same issue in C.W.J.C. No. 6178 of 2012 where noticing the fact that respondent have adopted pick and choose and extended the benefit of financial assistance in relation to certain employees whereas others identically circumstanced have been discriminated.

This Court in the oral judgment dated 26.6.2018 has considered the various aspects of the matter of discrimination and the Court held out that the action of discrimination is impermissible.

Accordingly, the writ petition is disposed of in terms of the decision in C.W.J.C. No. 6178 of 2012 dated 26.6.2018

The relevant part thereof reads as follows:-

The action of the State in converting three posts with financial liability with retrospective effect and denying the benefit of financial assistance to other teaching and non-teaching employees, who were appointed against the post created by same decision of the State Government, is per se discrimination and unsustainable in the eye of law. Either the State has to adopt corrective measures by converting the posts of the petitioners and others, who were appointed



against the posts created in the same transaction in the year 1987 which were converted vide Annexure 8 as post with financial liability or to rectify its mistake if they are of the view that conversion of the posts with financial liability with retrospective effect vide Annexure-8 was erroneous decision on the part of the State. They have to rectify the mistake after giving opportunity to the petitioners and others likely to be adversely affected. Corrective measures in the nature of granting the same benefit or withdrawing the benefit to all the teaching and non-teaching employees, who were appointed against the posts vide annexures 3 and 4, should be taken by the respondents within a period of three months from the date of receipt/production of copy of this order

In view of the above, the Court is of the considered view that the order contained in Annexure-1 & 1/1 rejecting the representation of the petitioners cannot sustain and is, according quashed.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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