

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9717 of 2015

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1. Raj Kishore Ray, son of Late Chulhai Ray, resident of Village- Mahadeo Patti, P.S.- Parihar, District- Sitamarhi.
 2. Chandra Mohan Rai, son of Shri Vanshlal Rai, resident of Village- Ganga Dharampur, P.S.- Tariyari, District- Sheohar.
 3. Mahesh Rajak, son of Late Mungalal Rajak, resident of At + P.O.- Kalyani, P.S.- Town, District- Muzaffarpur.
 4. Rameshwar Prasad, son of Ram Prasad Yadav, resident of At+P.O.- Sardal Patti, P.S.- Parihar, District- Sitamarhi.
 5. Rama Shankar Singh, son of Late Chandra Deo Singh, resident of Village- Basupatti, P.S.- Siwan, District- Siwan.
 6. Shakuntala Devi, daughter of Shri Vanshdhari Singh, resident of At- Amgola, P.S.- Kazi Mohammadpur, District- Muzaffarpur.
 7. Sanjeev Ranjan, son of Late Shiv Narayan, resident of Village- Sakra Vajid, P.S.- Dholi, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar
3. Vice Chancellor, B.R, Ambedkar Bihar University, Muzaffarpur
4. Registrar, B.R, Ambedkar Bihar University, Muzaffarpur
5. Principal, Dr Ram Manohar Lohia Smarak College, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the State	:	Mr. Pramod Kr. Singh, AC to SC 16
For BRA Bihar University:		Mr. Vikas Ratan Bharti, Advocate
For J.P.University	:	Mr. Nagendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-12-2018 Heard learned counsel for the petitioners and the State as well as the University.

The petitioners have filed the present writ petition for a direction to the respondents to make payment of arrears of salary from the date of regularization of their services.

Mr. Abhinav Srivastava, learned counsel for the



petitioners referring to Annexure-9 of the writ petition, submits that in the case of similarly circumstanced employees of S.K. Sinha Womens' College, Motihari, the State, vide order contained in Memo No. 2699 dated 18.12.2009, has granted the benefit of arrears of salary and the case of the petitioners stands on the same footing and as such deserves similar treatment.

On behalf of the respondents stand has been taken in the instant case that benefit of regularization is only available for the purpose of pension, retiral benefits and increment and not for salary.

The Court cannot approve such stand in the matter of grant of arrears of salary on regularization. The State is expected to adopt one and the same yardstick in the matter of treatment of similarly circumstanced citizens. Since there is State Litigation Policy which obliges the State to adopt one and same policy in the matter of similarly circumstanced persons, particularly in terms of Clause 54C of Litigation Policy, 2011 and the Full Bench judgment of this Court reported in 2018 (2) PLJR 929 where the Full Bench of this Court has directed the State to adopt its policy decision.

Considering the aforesaid, the writ petition is disposed of with direction to the respondents to consider the case of the



petitioner for grant of benefit on the line the benefit was extended to the employees of the S.K.Sinha Womens' College, Motihari vide Annexure-9 to the writ petition. Necessary decision in this regard must be taken by the respondents University and the State at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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