

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13958 of 2014

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1. Ram Janak Singh, aged about 53 years, Son of Late Makhan Singh, Resident of village- Harpur, Pusa, P.S.- Pusa, District- Samastipur
 2. Chandeshwar Pandey, aged 55 years, son of Late Ganesh Pandey, Resident of Balkrishna Colony, New Bus Stand, P.S.- Town Bettiah, District- West Champaran
 3. Ram Binod Jha, aged about 60 years, Son of Sri Ramodar Jha, Resident of village and P.O.- Thorha, Gopalpur, Via- Dighra, District- Samastipur
 4. Smt. Saroj Singh, aged about 52 years, wife of Late S.S.P. Singh, Resident of Merial Quarter, Near Mander, P.S.- Pusa, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Agriculture Production Commissioner, having his office at Vikas Bhavan, P.S.- Sachivalaya, District- Patna
2. The Rajendra Agriculture University through the Registrar, Pusa, Samastipur
3. The Vice Chancellor, Rajendra Agriculture University, Pusa, Samastipur
4. The Principal Secretary, Finance having his office at Old Secretariat, P.S.- Sachivalaya, District- Patna
5. The Director, Administration, Rajendra Agriculture University, Pusa, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Mohan, Advocate
Mr. Mukeshwar Dayal, Advocate
For the State : Mr. Mahendra Prasad Verma, AC to SC-20
For Rajendra Agricultural : Mr. Arvind Ujjwal, Advocate
Central University

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-09-2018 Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel appearing on behalf of the University.

Mr. Arvind Ujjwal, learned counsel appearing on behalf of the Rajendra Agricultural Central University submitted



that in terms of the MOU, the entire liability of the erstwhile Rajendra Agricultural University has not shifted on the State Government and the Dr. Rajendra Prasad Central Agricultural University has no obligation with regard to any of the claim pertaining to erstwhile Rajendra Agricultural Central University. On behalf of the State, a counter affidavit has been filed wherein the stand was taken that the benefit is only available to the petitioners of C.W.J.C. No.3900 of 1989 and not available to the petitioners although the State has not disputed the fact that the petitioners are similar circumstanced.

Learned counsel appearing on behalf of the petitioners submits that the large number of similarly circumstanced have been granted the benefit of pay up-gradation but petitioners have been discriminated in the matter of grant of such benefit. He submits that the State Government has taken a litigation policy wherein the State Government has professed that similar benefit should be extended to all similarly circumstanced in service matters. He also referred to judgment of the Full Bench of this Court in 2018(2) PLJR 929. After the litigation policy 2011, State is obliged to extend similar treatment to similarly circumstanced. The State Government issued a notification whereby the benefit was only confined to the petitioners of C.W.J.C. No.3900 of 1989. In a contempt proceeding, the



authorities filed their show cause admitting that the benefit is also admissible to similar circumstanced but in the matter of petitioners, the same benefit has not been extended till date.

In view of the above, the respondents are hereby directed particularly the Agriculture Production Commissioner to see that petitioners are extended the same benefit in the matter of grant of revised pay scale in case similarly circumstanced others have been granted the benefit of Pay Revision and financial up-gradation particularly in the light of Annexure-4 whereby similarly circumstance 32 such employees were granted the benefits. Necessary decision on the claim of the petitioner in the light of Annexure-4 may be taken by respondent Agriculture Production Commissioner and/or successor of Agriculture Production Commissioner within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid observation, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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