

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24664 of 2013

Abdul Wadud Ansari S/O Late Md. Basir R/O Mohalla- Panchatti, P.S- Bogh
Gaya, P.O- Bogh Gaya, District- Gaya. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Government Of Bihar,
Patna.
2. The Vice Chancellor, Magadh University, Bodh Gaya. Null Null
3. The Registrar, Magadh University, Bodh Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya.
5. The Accountant General, State Of Bihar, Patna. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Jha
For the Respondent/s	:	Mr. Gautam Bose
For the University	:	Dr. Kumar Amitesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-09-2018 The grievance of the petitioner in the present writ application is discrimination in the matter of grant of time bound promotion and ACP.

Learned counsel for the petitioner submits that similarly circumstanced others were granted the benefit from 26.11.1989 but in the case of the petitioner the benefit was not extended from 16.11.1989.

He further submitted that in the year 2005 when others were granted promotion the petitioner was not granted promotion. The action of the respondent in pick and choose and discrimination violates Article 14 and 16 of the Constitution of India. He submits that due to lapses on the part of the respondents the petitioner is suffering monetary loss even in the matter of grant of post-retiral dues.

Since petitioner has superannuated on 1.5.2007, the writ



petition is disposed of with direction to the respondent University to examine if the petitioner was eligible for grant of time bound promotion and ACP and similarly circumstanced others have been granted time bound promotion and ACP with effect from 16.11.1989 and 2005 respectively then appropriate corrective measures may be taken by the respondents to grant the benefit from the date similarly circumstanced others have been granted time bound promotion or ACP.

In the event the respondents find the case of the petitioner distinguishable on fact and law, the respondents have to assign reason for rejecting the claim of the petitioner otherwise the respondents have to grant same benefit to this petitioner.

Final decision in this regard may be taken by the respondent within a maximum period of four months from the date of receipt/production of a copy of this order.

The respondents are also directed to work out all consequential benefit if they admit the entitlement of the petitioner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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