

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3952 of 2011

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Mani Bhushan Prasad Singh, S/o Late Rajeshwar Prasad Singh resident of
Village- Matihani, P.S.- Matihani, District- Begusarai, presently posted as
clerk, Co-operative College, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Vice Chancellor, L.N. Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Barbhanga.
5. The Finance Officer, L.N. Mithila University, Darbhanga.
6. The Principal, Co-operative College Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate

For the LNMU : Mr. Ram Narsh Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 31-08-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State as well as University.

I.A. No. 75 of 2012 was filed on behalf of the
petitioner for amendment in the writ petition. For the reason
stated in the interlocutory application the amendment is
allowed. The petitioner who has by mistake mentioned in
paragraph Nos. 2, 4, 5, 9, 13, 19, 20, 21, 22 and 27 as Lower
Division Clerk should be treated as Lower Division Assistant.
The aforesaid correction should be read in the pleading of the



petitioner.

Learned counsel for the petitioner submits that the issue involved in the present case is covered by the Apex Court decision in the case of Sunny Prakash. He further submitted that similarly circumstanced other non-teaching employee appointed along with the petitioner were extended the benefit of the Assistant, but in the case of the petitioner differential treatment was meted by the respondent. Learned counsel for the petitioner has referred to para-20 which contains the details of those non-teaching employee who were appointed along with the petitioner were treated as Assistant but the petitioner was extended differential treatment. He further submits the the judgment of the Apex Court in the case of State of Bihar vs. Sunny Prakash (2013)3 SCC 559.

In view of the above, the writ petition is disposed of with a direction to the respondent to examine the claim of the petitioner and if it is found that all similarly circumstanced have been treated as the Assistant, the respondent are required to extend similar treatment to the writ petitioner also and grant all consequential benefit on such determination of the status of the petitioner as Assistant. Final decision in this regard may be



taken by the respondents within a maximum period of the 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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