

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13536 of 2014**

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Rabindra Vishwakarma S/o Late Ramanand Vishwakarma Resident of village  
- Barhmpur, P.O. + P.S. Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Human Resources ( Higher Education ) Govt. of Bihar, Patna
3. The Director, Higher Education, Govt. of Bihar, Patna
4. The Principal, Bihar Engineering College, Patna
5. The Director, Special Component Scheme for Training & Rehabilitation of Harijan, Patna
6. The Project Co - ordination Special Component Scheme For Training & Rehabilitation of Harijan Masaurhi Centre, District - Patna
7. The Director, Department of Science and Technology, Technology Bhawan, Patna

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Tiwary  
For the Respondent/s : Mr. Sc13- Arbind Kumar No. 1

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 01-11-2018**

The instant case was filed by the petitioner on 6.8.2014 after service of two advance copies to the office Advocate General but unfortunately even after four long years no counter affidavit has been filed on behalf of the respondents.

2. The grievance of the petitioner in the present writ application is discrimination meted to the petitioner by the respondents.

3. Learned counsel for the petitioner submits that petitioner was appointed in the year 1976 on the post of 'Helper' as daily wager in Bihar Engineering College. Later on he was



transferred to Masaurhi Centre under Special Component Scheme for Training and Rehabilitation of Harijan.

4. Learned counsel submits that this petitioner was retrenched in the year 1988 whereas similarly circumstanced other who were transferred to the Special Component Scheme for Training and Rehabilitation of Harijan alongwith petitioners namely Mahendra Kumar Singh and Satyendra Narayan Singh have been retained.

5. Learned counsel submits that notwithstanding the policy decision to regularize the service of all those who were engaged prior 1985, the respondents have not considered the case for regularization of the petitioner whereas similarly circumstanced other namely Mahendra Kumar Singh and Satyendra Narayan Singh have been retained and regularized. He submits that the action of the respondents in adopting pick and choose is discriminatory and is violative of Article 14 and 16 of the Constitution.

6. Considering the fact that no counter affidavit has been filed in the instant case, the writ petition is disposed of with direction to the Director, Department of Science and Technology and Project Coordinator of Special Component Scheme for Training and Rehabilitation of Harijan, Masaurhi.



Director, Department of Science and Technology and Project Coordinator of Special Component Scheme for Training and Rehabilitation of Harijan, Patna to take appropriate decision in relation to the petitioner and if similarly circumstanced other had been accommodated under the Special Component Scheme for Training and Rehabilitation of Harijan similar treatment should be extended to this petitioner.

7. Necessary decision, extending the similar benefit like the similarly circumstanced others as indicated hereinabove, may be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 06.11.2018 |
| Transmission Date |            |

