

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16295 of 2016

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Arun Kumar Singh, son of Sri Jagdish Prasad Singh, resident of Vilalge- Malinagar (Simari), P.S.- Chak Maheshi, District- Samastipur.

.... Petitioner/s

Versus

1. Dr. Rajendra Prasad Central Agricultural University, Bihar, Pusa, Samastipur through its Registrar having its office at Pusa, Samastipur.
2. The Vice-Chancellor, Dr. Rajendra Prasad Central Agricultural University, Bihar, Pusa, Samastipur
3. The Director Administration, Dr. Rajendra Prasad Central Agricultural University, Bihar, Pusa, Samastipur.
4. The Dean, Agriculture, Dr. Rajendra Prasad Central Agricultural University, Bihar, Pusa, Samastipur.
5. The Head-cum-Principal Investigator, Department of Forestry, Dr. Rajendra Prasad Central Agricultural University, Bihar, Pusa, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. S. Pandey, Advocate
Mr. Gajanan Arun, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 20-03-2018

Heard learned counsel for the petitioner and the respondents.

2. Two folds grievance have been raised by the petitioner in the present writ application. One is for direction to the respondents to adjust the petitioner against the sanctioned and vacant post of Senior Technical Assistant in AICRP-Agro Forestry. The other grievance is pertaining to payment of emoluments w.e.f. 01.04.2012, from the date other similarly situated persons have been given.



3. So far as the adjustment to the petitioner is concerned, the Court does not find any merit in the case of the petitioner, as appointment against a post is required to be filled up in accordance with law, which includes selection process consistent with Articles 14 and 16 of the Constitution of India, where every eligible candidates may have the opportunity to participate in the selection process.

4. Therefore, the Court is of the view that as and when the respondents advertised the post for filling up the post on regular basis, the petitioner and other eligible persons may apply and after following the selection process the respondents may fill up the post.

5. So far as the other grievance with regard to fixed emoluments w.e.f. 01.04.2012 to this petitioner on the ground that similarly circumstanced others have been granted such benefit is concerned, the Court does not enter into the merit of such claim. However, liberty shall be available to the petitioner to file detailed representation indicating the grant of such benefit to similarly circumstanced and in case such representation is filed by the petitioner indicating discrimination in the matter of grant of fixed emoluments, the respondent University is required to decide the representation and redress the grievance of discrimination by a reasoned and speaking



order. Necessary decision in this regard must be taken by the respondents within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2018
Transmission Date	

