

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10649 of 2016

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1. Renu Devi Wife of Chottan Ram
2. Roushan Ram Son of Chottan Ram
3. Rohit Kumar Son of Chottan Ram &
4. Manshi Kumari daughter of Chottan Resident of House of Bishnu
Yadav, Prakashpuri, Sapna Cienma Road, Panchratan Gali, P.S. Nawada,
P.O. Sheoganj, Ara, District- Bhojpur(Bihar)

.... Petitioner/s

Versus

1. Veer Kunwar Singh University, Ara through its Registrar.
2. The Vice Chancellor, Veer Kunwar Singh University, Ara
3. The Registrar, Veer Kunwar Singh University, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the university : Syed Firoz Raza, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 23-04-2018 Heard learned counsel for the petitioners and the State.

Grievance of the petitioners in the present application is discrimination practiced by the respondent-university in the matter of granting benefit of promotion. Similarly circumstanced one, Md. Shahabuddin was granted benefit of regularization/absorption w.e.f. 25-11-1985 i.e. initial date of appointment whereas in the case of original petitioner, who died during pendency of this writ application, they adopted different yardstick and the petitioner was granted benefit of regularization/absorption on 12-03-2013 from the date of issuance of notification contained in Memo No. 1182/GI/07 dated 31-12-2007. The university is obliged to act in



the case of petitioner in conformity with uniformity and petitioner should be treated like other similarly circumstanced person but unfortunately, discrimination was made in the case of original petitioner, which is not permissible. The State and its instrumentality like the university is required to follow the concept of equal treatment while considering similar grievance. The action of the respondent-university adopting different stand in similar case is per se illegal. Md. Shahabuddin was granted benefit in pursuance of order dated 09-02-2010 passed by a coordinate bench of this court in CWJC No. 9132 of 2009. This court has no reason to differentiate the case of original petitioner from the case of Md. Shahabuddin (petitioner in CWJC No. 9132 of 2009) in the matter of grant of regularization from the date of initial appointment.

The respondent-university itself has considered the case of Md. Shahabuddin and granted the benefit from the date of initial appointment, which is also required to be considered in the case of the original petitioner as circumstanced should be treated in same manner. Accordingly, respondent-university, is directed to extend similar treatment like Md. Shahabuddin in the matter of grant of the benefit of regularization to the original petitioner, and in that event, the university wishes to adopt corrective measures. In the event, the university, maintains that the grant of benefit of



regularization to Md. Shahabuddin is in accordance with law, the same benefit should be extended to the original petitioner which has been extended in the case of Md. Shahabuddin.

With the aforesaid, this writ application is disposed of.

(Anil Kumar Upadhyay, J)

A.K.V./-

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