

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6368 of 2012

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1. Ramanand Thakur, Son of Late Mangal Thakur, Resident of Village- Nagargawan, P.O. Puran Chapra, P.S. Chakiya, District- East Champaran Presently Working as Lab Assistant in Sheodani Ram Ayodhya Prasad College, Bara Chakiya, District- East Champaran at Motihari
 2. Nagendra Singh, Son of Late Ram Ratan Singh, Resident of Village - Khilwat, District - Vaishali at Hajipur, Presently working as Lab Assistant in Sheodani Ram Ayodhya Prasad College, Bara Chakiya, District - East Champaran At Motihari
 3. Sarveshwar Prasad, Son of Sri Singhasan Sah, Resident of Village- Pirauna, District- Saran at Chapra, Presently Working as Lab Assistant in Sheodani Ram Ayodhya Prasad College, Bara Chakiya, District- East Champaran At Motihari
 4. Shiv Nath Prasad, Son of Late Bishun Sah, Resident of Village Kunwan, District- East Champaran at Motihari, Presently Working as Peon in Sheodani Ram Ayodhya Prasad College, Bara Chakiya, District- East Champaran At Motihari
 5. Daroga Prasad Yadav, Son of Mukh Lal Rai, Presently Working as Lab Assistant in Sheodani Ram Ayodhya Prasad College, Bara Chakiya, District- East Champaran At Motihari

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Director, Higher Education, Government of Bihar, Patna
4. The Deputy Director, Higher Education, Government of Bihar, Patna
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur
6. The Registrar, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur
7. The Finance Officer, Baba Saheb Rao Ambedkar, Bihar University, Muzaffarpur
8. The Principal, Sheodani Ram Ayodhya Prasad College, Bara Chakiya, District East Champaran at Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishor Prasad, Sr. Advocate Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Arvind Kumar, AC to GA-5
For the University	:	Mr. Nikhil Kr. Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 30-08-2018

Heard learned counsel for the petitioner and



respondents.

2. The petitioners are aggrieved by the discriminatory treatment meted to the petitioners by the State in the matter of regularization.

3. Learned counsel appearing on behalf of the petitioners with reference to Annexure-25 submits that in the case of employees of Class III and IV of Dr. Ram Manohar Lohia Smarak College, Muzaffarpur the respondents have issued order granting regularization from the date of initial appointment except payment for the period prior to the regularization. The regularized Class III and IV were extended the benefit of past services for the purposes of pension etc., but in the case of the petitioners different stand was taken by the respondents. Petitioners have been regularized not from the date of initial appointment, but from the date of issuance of the notification and the benefit of past service for the purpose of counting service for pension was not considered and different treatment was extended to the petitioners. State is a State and is expected to adopt same yardstick in the matter of all its activities. The law is well settled in this regard. The Apex Court in the case of **Ramana Dayaram Shetty Vs. The International Airport Authority of India & ors.**, reported in **1979 AIR 1628** has held out that the State cannot even discriminate the citizen even in the matter of distribution of largesse and bounty and if



the State cannot discriminate in the matter of distribution of largesse and bounty, the State by same analogy cannot adopt two different yardsticks one for the petitioners and the another for the Class-III and IV employees of other colleges, who were regularized under the scheme of same staffing pattern.

4. Considering the case of the petitioners vis-à-vis, the case of the employees regularized vide letter contained in Memo dated 19.05.2003 (Annexure-25), the Court directs the respondents to adopt similar yardstick for the purpose of counting past services of the petitioners like the Class III and IV employees of Dr. Ram Manohar Lohia Smarak College, Muzaffarpur. The respondents are also required to take corrective measures by extending similar treatment to these petitioners within a period of four months from the date of receipt/production of a copy of this order.

5. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
Transmission Date	

