

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23374 of 2012

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Ramashish Mahto Son Of Late Kunt Lal Mahto Resident Of Village / Mohalla
- Mohanpur, P.O. - Boria, P.S. Bibhutipur, District Samastipur
... .. Petitioner/s

Versus

1. The State Of Bihar
 2. The Principal Secretary, Education Department, New Secretariat, Patna
 3. The Director Administration-Cum-Additional Secretary, Govt. Of Bihar, New Secretariat, Patna..... Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate.
	:	Mr. S.K. Ranjan, Advocate.
For the Respondent/s	:	Mr. Ravi Kumar AC to G.P.-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 29-10-2018 Heard learned counsel for the petitioner and counsel

appearing on behalf of the State.

The only issue involved in this writ petition is whether respondent can grant the benefit of monetary benefits to the Juniors to the petitioner ignoring the petitioner, who is senior.

Learned counsel appearing on behalf of the respondent would submit that the respondents noticing the fact that the juniors to the petitioner have been granted such benefit took corrective measures and recalled the order granting such monetary benefits to the persons juniors to the petitioner.

This fact has been disputed by the counsel appearing on behalf of the petitioner. He submits that still many juniors to the petitioners are availing the monetary benefits from the date



of promotion on 1.4.1988 but in case of this petitioner different yardstick has been adopted by the respondent State. State is expected to adopt uniform standard in process of granting the monetary benefits. It is expected that the yardstick is adopted in all similarly circumstanced case and State cannot be allowed to adopt different yardstick.

Considering the aforesaid the writ petition is disposed of with direction to the respondent to examine the claim of the petitioner and if any person junior to the petitioner has been granted monetary benefit on 1.4.1988 the same benefit must be granted to this petitioner as discrimination is impermissible and is violative of Articles 14 and 16 of the Constitution of India.

Accordingly, the writ petition is disposed of with direction to the respondents to take appropriate decision. So far as monetary benefits as admissible to the petitioner is concerned respondent shall take final decision within a maximum period of four months from the date of receipt/ production of a copy of this order with all consequential benefits.

With the aforesaid the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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