

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23844 of 2018**

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1. Ganesh Thakur, Son of Late Indradeo Thakur, Resident of Village Hridaychak, P.O.- Hridaychak, P.S.- Kaler (Arwal), District Jehanabad at present add. Village Parshuram Chak, Kurthaul, Patna
  2. Satish Kumar Thakur, Son of Late Bishnukant Thakur, Resident of Village- Bhauwara, Ward No.26, P.S.- Madhubani Town, District- Madhubani
  3. Diwakant Jha, Son of Late Anirudh Jha, Resident of Village- Bela, P.S.- Babubarhi, District- Madhubani
  4. Shambhunath Jha, Son of Sri Kriti Narayan Jha, Resident of Village- Marhail, P.S.- Rudrapur, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. Principal Secretary, Department of Education, Government of Bihar, Patna
3. Additional Secretary, Department of Education, Government of Bihar, Patna
4. Under Secretary, Department of Education, Government of Bihar, Patna
5. Director, Higher Education, Government of Bihar, Patna
6. Chairman cum Director, South Indian Language Institute, Shastrinagar, Patna

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Banwari Sharma, Advocate |
|                      |   | Mr. Shiv Kumar, Advocate     |
| For the Respondent/s | : | Mr. Madhaw Pd.Yadav          |

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

2      17-10-2019                      Heard learned counsel for the petitioners and the respondents.

The grievance of the petitioners in the present writ application is discrimination in the matter of grant of benefit of 5<sup>th</sup> Pay Revision Commission.

Mr. Banwari Sharma, learned counsel for the



petitioners submits that the respondents have granted the benefit of 5<sup>th</sup> PRC in Magahi Academy, Maithili Academy, Bhojpuri Academy, Bihar Hindi Granth Academy etc., but differential treatment was adopted by the respondents in the matter of grant of benefit of 5<sup>th</sup> PRC to the petitioners, who are working in the South Indian Language Institute.

He further submits that the petitioners, who are working in the South Indian Language Institute, are entitled to similar treatment like their other counter parts employees of Magahi Academy, Maithili Academy, Bhojpuri Academy, Bihar Hindi Granth Academy etc. in the matter of pay revision. He submits that the State is required to adopt uniform standard in its all activities and the State cannot discriminate its citizen. Learned counsel submits that if the employees of other academy are getting the benefit of 5<sup>th</sup> PRC, there is no reason to deny 5<sup>th</sup> PRC to the petitioners and other employees of the South Indian Language Institute.

State is State and it is expected to follow uniform standard in its activities, even in the matter of distribution of largess and bounty, the State cannot discriminate its citizen, as has been held out by the Apex Court in the case of **R. D. Shetty vs. International Airport Authority**, reported in **AIR 1979 SC**



**1628.**

In view of the principle laid down by the Apex Court in the case of **RD.Shetty** (supra), the writ application is disposed of with a direction to the Principal Secretary, Education Department to examine the claim of the petitioners and if it is found that the similarly circumstanced employees of Magahi Academy, Maithili Academy, Bhojpuri Academy, Bihar Hindi Granth Academy etc. are getting the benefit of 5<sup>th</sup> PRC, he shall ensure that the same benefit is extended to the employees of South Indian Language Institute.

Necessary decision in this regard may be taken by the respondent Principal Secretary at the earliest preferably within a period of 60 days 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)**

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