

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4644 of 2019

=====

Tetar Das Son of Rup lal Das, Resident of Mohalla- Sandalpur, P.O.- Mahendru, Police Station-Sultanganj, District-Patna-800006

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal secretary, Soical Welfare Department, Govt. of Bihar, New Building by the side of Sichai Bhawan, Old Secretariat, Patna
3. The Director (Directorate of Empowerment of Person With Disability) Social Welare Department, Govt. of Bihar, New Punaichak (near Apna Ghar) Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Virendra Kuar,Advocate

For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The issue involved in this writ petition is grant of graduate trained scale as upgradation.

Learned counsel for the petitioner submits that similarly circumstanced other teachers have been favoured with grant of graduate trained scale as upgradation whereas this petitioner's case has been rejected holding that the case is promotion and not upgradation.

The respondents cannot adopt two different yardsticks. Either the respondents have to treat the petitioner at par with similarly circumstanced others or the respondents have



to rectify their mistakes.

Accordingly, the writ petition is disposed of with a direction to the Director (Directorate of Empowerment of Person with Disability) Social Welfare Department, Government of Bihar to take fresh decision and if it is found that the petitioner's case is similar to the similarly circumstanced others for grant of graduate trained scale as upgradation, the same benefit may be extended to this petitioner also. If it is found that earlier the benefit was granted erroneously to other similarly circumstanced persons, the respondents may adopt corrective measures after opportunity of hearing to the persons likely to be affected. Necessary decision in this regard must be taken by the respondents either to grant benefit of upgradation to the petitioner or to take corrective measures after opportunity of hearing to the persons likely to be adversely affected within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

