

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13345 of 2019

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Mohan Prasad Srivastava Son of late Chhabinath Prasad Shrivastava,
Resident of Mohalla- Professor Colony, Raj Nagar, P.O. and P.S. Danapur,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Education(Higher Education),
Government of Bihar, Patna.
3. The Magadh University, through its Registrar.
4. The Vice Chancellor, Magadh University Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Finance Officer, Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Virendra Prasad, Advocate
For the State	:	Mr.Umesh Narayan Dubey, AC to GP 27
For the Magadh University:		Mr. Amitabh Soham, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State as well as the

University.

The grievance of the petitioner is pick and choose in
the grant of benefits for the payment of two advance
increments on account of obtaining Ph.D. degree which was
made available to the teachers under the scheme formulated by
the Government as an incentive to encourage research. If two
advance increments were granted to other similarly
circumstanced teachers who have obtained Ph.D. degree, there



is no reason to take different yardstick for the purpose of granting the same relief to the petitioner.

The issue raised in the present writ petition is no more res integra. It has been decided by the Division Bench of this Court in LPA No. 269 of 2016 vide order dated 27.7.2017 and as such, the respondents are required to treat the petitioner on similar footing like similarly circumstanced other teachers, who have been granted such benefits.

Considering the aforesaid, the present writ petition is disposed of with a direction to the University to take appropriate decision with regard to entitlement of the petitioner and if the University has granted such benefits to other similarly circumstanced teachers, the same benefit should be extended to the petitioner also. Necessary decision in this regard must be taken by the respondent-University within a maximum period of 60days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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