

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18922 of 2019**

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Ramshish Singh Son of Late Jay Bahadur Singh Resident of Veer Kunwar Singh Colony, Charitravan, Buxar, P.S.- Buxar, District- Buxar, Pin- 802101.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Bihar, Patna.
2. Director Higher Education, Bihar, Patna.
3. Veer Kunwar Singh University Ara through its Registrar.
4. Vice Chancellor Veer Kunwar Singh University, Ara.
5. Registrar Veer Kunwar Singh University, Ara.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Abhinav Srivastava        |
| For the Respondent/s | : | Mr. Arvind Kumar, AC to GP-23 |
| For the University   | : | Mr. P.K. Verma, Advocate      |

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

2      13-09-2019                      Heard learned counsel for the petitioner and the  
counsel appearing on behalf of the State as well as University.

The grievance of the petitioner in the present writ application is discrimination in the matter of granting the benefit of service prior to the date of office order dated 08.06.1997.

Mr. Abhinav Srivastava, learned counsel appearing on behalf of petitioner has placed reliance of Annexure-1 whereby four persons having absorbed on the post of Typist, Routine Clerk and Peon. Out of four Raghunath Singh was granted the benefit of service vide Annexure-7 dated 26.04.2018 with effect from the initial date of appointment whereas discriminatory



treatment was extended to this petitioner.

Mr. Srivastava submits that vide Annexure-8 similar treatment was extended to another employee namely Vidyadhar Khan whose services have been approved w.e.f. initial date of appointment i.e. 01.05.1982 but the case of the petitioner for grant of such benefit from the date of initial appointment has not been considered. The discrimination goes to the root of the case. It is one of the issue of primarily review and Court exercising judicial review is required to adopt with corrective justice approach. The respondents cannot be permitted to extend differential treatment and discrimination. The University is a State within the meaning of Article 12 of the Constitution of India and State is not expected to adopt discrimination as held out by the Apex Court in the case of R.D. Shetty Vs. International Airport Authority, AIR 1979 SC1628.

In view of the above, the Court direct the respondents to either extend the similar treatment to this petitioner or adopt corrective measure.

Necessary decision in this regard must be taken by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order.

It is made clear that the respondents has to follow one



and the same yardstick in the matter on counting of past service they cannot adopt two different yardsticks either they have to grant similar treatment to this petitioner or they have to recall the order granting such benefits to others similarly circumstanced, after opportunity of hearing. It goes without saying that the same treatment must include the arrears as well.

With the aforesaid, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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