

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9385 of 2013

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1. Bipin Bihari Mishra S/o Sri Uday Kant Mishra R/o Village Dighi Talab (West) P.O.- G.P.O., P.S.- Civil Line Thana Gaya, District- Gaya.
 2. Ramesh Kumar Singh S/o Sri Radhe Krishna Singh R/o Village Sohagi, P.O.- Sona Gopalpur, P.S. Gauri Chak, District- Patna.
 3. Kumari Jyoti D/o Late Sudama Prasad R/o- 405, B/6 P.R.D.A. Flat, S.K. Puri, Boring Road, Patna.
 4. Ram Prasad Ram S/o Late Shiv Dayal Ram R/o Village- Patkholia P.S.- Sandsh District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary to the Govt. of Bihar, Department of Education, New Secretariat, Patna.
3. The Chancellor of University, Bihar, Patna.
4. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
5. The Financial Advisor, Veer Kunwar Singh University, Ara.
6. The Principal, Maharaja College, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Bibhakar Tiwary and Sushil Kumar Singh, Advs.

For the Respondent : M/s S.P. Singh and Sarvdeo Singh, Advs.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2016

Heard learned counsel for the petitioners, State and the University.

In the present case, petitioners are seeking relief that their pay should not be fixed as that of the Guest Lecturer but be fixed in terms of the Regulation of University Grants Commission dated 24th December 1998 and the Statute No. 49 of Bihar University, both provide that in what manner the Part Time Teachers would be paid

their salary.

Grievance that has been raised by the petitioners, the Government of Bihar dehors to the Regulation of the University Grants Commission as well as the Statute of the University, vide Memo no. 186 dated 03/02/2014, fixed the salary of the Part Time Teachers engaged in the Law College, State of Bihar whereby it has been provided that in terms of the University Grants Commission, the teachers will be entitled to the salary Rs.1,000/- per class and maximum Rs. 25,000/- per month.

The counsel for the petitioner submits that this fixation of pay of the teachers appointed as Part Time Teachers, is completely dehors to the Regulation of the University Grants Commission as well as the Statute. This pay has been fixed treating the permanent Part Time Law College Teacher as a Guest Teacher whereas the Statute provides that the permanent Part Time Teachers will get the salary proportionate to the work performed by them and they will also be entitled to the benefit of proportionate increment, dearness allowance and will also be entitled to the benefit of ACP under the Career Advancement Scheme from the Lecturer to Senior Scale Lecturer, Selection Grade Lecturer, Reader and Professor. It has been submitted that the petitioners have been appointed, following due process of law, they are discharging their duty for five hours, each and every day

in attending the classes. In such view of the matter, the action of the State Government fixing the salary, is completely illegal and not sustainable in law.

As this Court is not giving any opinion on the merit of the case, let the petitioner file a detailed representation before the Principal Secretary, Education Department, Government of Bihar who will examine about entitlement of the salary of the Part Time Teachers, who are engaged in Maharaja law College, and pass an order within a period of six months from the date of filing of the representation.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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