

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21941 of 2013

1. Dr. Gopal Prasad Arya, Son of Late Kanhaiya Lal Arya, resident of Mohalla-East Chitragupta Nagar, P.S. Patrakar Nagar, Dist - Patna-800020.
2. Dr. Shankar Nath Vidyarthi, Son of Late Nag Narayan Singh, resident of Mohalla - Hem Nagar Colony, P.O. - Sadha, P.S. - Mufassil Chhapra, District - Saran (Chapra).
3. Dr. Lal Babu Yadav, Son of Late Ramayan Prasad, resident of Mohalla - Katahari Bag Road, P.S. - Town Chhapra, District - Saran (Chapra).
4. Dr. Rajendra Prasad Singh, Son of Shri Ramanand Singh, resident of Village - Anandpur, P.O. + P.S. - Sonapur, District - Saran (Chapra).
5. Dr. Renuka Kumari Sinha, daughter of Late Gopal Prasad, resident of Gopal Shanti Bhawan, Madho Bihari Lane, Salempur, P.S. - Town Chhapra, District - Saran (Chapra).
6. Dr. Prabhawati Singh Chauhan, Wife of Shri Sheo Kumar Singh, resident of Prabhu Nath Nagar, Tari, P.S. - Chapra Mufassil, District - Saran (Chapra).
7. Dr. Om Prakash Singh, Son of Late Thakur Prasad Singh, resident of Village - Pakri Dih, P.O. - Pakri Mahmad, P.S. - Amnour, District - Saran (Chapra).
8. Dr. Rakesh Prasad, Son of Late Devendra Prasad, resident of C/O Late L.P. Srivastav, Postal Colony, Ram Rajya Chowk, Dahiyawa, District - Saran (Chapra).
9. Dr. Tapaswi Prasad Singh, Son of Late Ganga Prasad Singh, resident of C/O Chandrika Singh, Dahiyawan Tola, By Pass Road, 'Sona Sadan' Chapra, P.S. - Mufassil, District - Saran (Chapra).
10. Dr. Nirmal Kumar, Son of Late Sadanand Prasad, resident of Saraswati Niwas, Roop Ganj, P.S. - Town, District - Saran (Chapra).
11. Dr. Ravindra Kumar Singh, Son of Late Kamleshwar Prasad Singh, Thana Road, Bhagwan Bazar, in front of Water Pump, Bhagwan Bazar, P.S. - Bhagwan Bazar, District - Saran (Chapra).
12. Dr. Chandradip Singh, Son of Late Trilok Nath Singh, resident of At + Post - Fakuli, P.S. - Mufassil, District - Saran (Chapra).
13. Dr. Kameshwar Prasad Singh, Son of Late Jagannath Singh, resident of Salempur, Lal Bazar, P.S. - Town, District - Saran (Chapra).
14. Dr. O.P. Pandey, Son of Late Surya Deo Pandey, resident of Ramdeo Nagar, Mahadeva, P.S. - Town, District - Siwan.
15. Dr. Ashok Kumar Jha, Son of Late Pt. Ganesh Jha, resident of Prabhunath Nagar, Housing Colony, P.S. - Mufassil, District - Saran (Chapra).
16. Dr. Raj Nath Thakur, Son of Late Basgit Thakur, resident of Old Ware House Campus, Opp. Rajendra College Hostel, Gudri Main Road, P.S. Bhagwan Bazar, District - Saran (Chapra).
17. Dr. Amrawati Sharma, Wife of Dr. O.P. Pandey, resident of Ramdeo Nagar, Mahadeva, P.S. - Town, District - Siwan.
18. Dr. Maheshwar Prasad Chaurasia, Son of Shri J P Chaurasia, resident of Village - Krishna Nagar, Shyamchak, P.S. - Bhagwan Bazar, District - Saran (Chapra).
19. Dr. Damodar Tiwary, Son of Late Jugan Tiwary, resident of Village -



- Kamta Hostel Road, East of Prabhunath Nagar, P.S. - Mufassil, District - Saran (Chapra).
20. Dr. Om Prakash Gupta, Son of Late Mishri Lal Sah, resident of Opp. Raza Palace, Karim Chak, Katahari Bag, P.S. - Chhapra Town, P.O. - Chhapra, District - Saran (Chapra).
 21. Dr. Uma Shankar Yadav, Son of Late Ramanand Yadav, resident of C/O Rabindra Prasad Singh, Sneh Sadan, Ramlila Mathira, Daroga Rai Chowk, P.S. - Bhagwan Bazar, District - Saran (Chapra).
 22. Dr. Kameshwar Prasad Singh, Son of Late Rama Singh, resident of Gudari Rai Chowk, P.S. -- Bhagwan Bazar, District - Saran (Chapra).
 23. Dr. Ram Prasad Yadav, Son of Late Ram Dayal Rawat, resident of Mohalla - Masoomganj, New Colony, Ward No. 4, P.S. - Bhagwan Bazar, District - Saran (Chapra).
 24. Dr. Shahnaz Ara, daughter of Md. Shafi, resident of Samar Pharma, Hafiz Path, P.S. - Bhagwan Bazar, District - Saran (Chapra).
 25. Dr. Virendra Narayan Yadav, Son of Laxmi Narayan Yadav, resident of Mohalla - Dahiyawan, Mahmood Chowk, P.S. - Mufassil Town, District - Saran (Chapra).
 26. Dr. Usha Kumari, Wife of Dr. Virendra Narayan Yadav, resident of Mohalla - Dahiyawan, Mahmood Chowk, P.S. - Mufassil Town, District - Saran (Chapra).
 27. Dr. Saroj Kumar Verma, Son of Late Bipin Bihari Verma, resident of 302, Hope Narayani Apartment, Vijay Nagar, Rukunpura, Bailey Road, P.S. - Danapur, District – Patna.
 28. Dr. Ram Udeswar Sharma, Son of Late Harihar Singh, resident of Sharma Nurshing, P.S. - Bhagwan Bazar, District - Saran (Chapra).
 29. Dr. Surendra Mishra, Son of Late Raghavji Mishra, resident of Thana Road, P.S. - Bhagwan Bazar, District - Saran (Chapra).
 30. Dr. Prabhu Narayan Rai, Son of Late Nand Kishor Rai, resident of Bank Colony, P.S. - Bhagwan Bazar, District - Saran(Chapra).
 31. Dr. Saroj Verma, Wife of Naresh Kumar Verma, resident of Near Bhagwan Bazar Thana, P.S. - Bhagwan Bazar, District - Saran (Chapra).
 32. Dr. Sudha Bala, Wife of Dr. Ashok Kumar, resident of Kashi Bazar, P.S. Bhagwan Bazar, District - Saran (Chapra).
 33. Dr. Arvind Kumar, Son of Late Surendra Prasad Singh, resident of Kashi Bazar, P.S. Bhagwan Bazar, District - Saran (Chapra).

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Education Department (Higher Education) New Secretariat, Patna.
2. The Principal Secretary, Education Department (Higher Education), New Secretariat, Patna.
3. The Director, Education Department (Higher Education), New Secretariat, Patna.
4. The Finance Officer, Education Department (Higher Education), New Secretariat, Patna.
5. Jai Prakash University, Dak Bunglow Road, Chapra through its Registrar.
6. The Vice Chancellor, Jai Prakash University, Dak Bunglow Road, Chapra.
7. The Registrar, Jai Prakash University, Dak Bunglow Road, Chapra.



8. The Finance Officer, Jai Prakash University, Dak Bunglow Road, Chapra.
9. The Pension Officer, Jai Prakash University, Dak Bunglow Road, Chapra.
10. University Grants Commission, Bahadur Shah Zafar Marg, New Delhi through its Chairman.
11. The Joint Secretary, University Grants Commission, Bahadur Shah Zafar Marg, New Delhi.
12. The Deputy Secretary, University Grants Commission, Bahadur Shah Zafar Marg, New Delhi.

.... Respondents

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Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate.
For the State : Mr. Mahendra Prasad Verma, A.C. to S.C. 20.
For the University : Mr. Nagendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-06-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are seeking the following reliefs:-

A. For issuance of an appropriate Writ in the nature of certiorari for quashing the part of the Resolution of the State Government as contained in Memo No. 1669 dated 18.05.2010(Annexure-8) by which it has been held that the actual benefit of two advance increments to those teachers who have acquired Ph. D. Degree in their Service Career on or before 01.01.1996 would be admissible w.e.f. 27.07.98 but will be entitled for the actual benefit with immediate effect.



- B. For issuance of an appropriate Writ/s, Order/s, direction/s in the nature of Mandamus directing the respondents to give the actual benefit i.e., monetary benefit of two advance increments to the petitioners who have acquired Ph. D. Degree in their Service Career on or before 01.01.1996 with effect from 01.01.1996.
- C. For issuance of an appropriate Writ/s, Order/s, direction/s in the nature of Mandamus directing the Respondents to revise the fixation of pay in the revised scale of U.G.C. Pay Scale effective from 01.01.2006 taking into account the two advance increments on 01.01.1996 in pre-revised U.G.S. scale of pay and direct the State Government as well as the University to pay the arrears to this effect for the period from April 1997 to July, 2005.
- D. For issuance of an appropriate Writ holding and declaring the recovery of the whole amount as being paid to the petitioners as two advance increments and further disallowing the two advance increments to the petitioners who have acquired Ph. D. prior to 01.01.1996 during their



service period to be wholly illegal, arbitrary, malafide and in teeth of the diffident notifications/circulars issued by the U.G.C. as well as the State Government.

E. For issuance of an appropriate Writ/s, Order/s, direction/s in the nature of Mandamus directing the respondents to re-pay the entire amount forthwith to the petitioners which have been recovered by the Respondent-University.

F. For issuance of any other relief/s for which the petitioners are entitled in the eye of law and in the facts and circumstances of the case.

It has further been submitted on behalf of learned counsel for the petitioners that the similar issue has already been decided by this Court in C.W.J.C. Nos. 15136 of 2010 and 17348 of 2010 vide order dated 15.11.2010. Hence, the case of the petitioners will also be governed by the aforesaid order dated 15.11.2010 passed in C.W.J.C. Nos.15136 of 2010 and 17348 of 2010.

Considering the aforesaid facts, the present application is also disposed of in terms of the order dated 15.11.2010 passed in C.W.J.C. Nos. 15136 of 2010 and 17348 of 2010.



The respondents are directed to make payment of two increments granted to the petitioners within a period of two months from the date of receipt/production of a copy of this order.

The application is, accordingly, disposed of.

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(Sudhir Singh, J)

