

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25569 of 2013

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DR. DEVANAND SAH SON OF LATE SHEO PRASAD SAH RESIDENT
OF LARKANIA GOLA, P.S. - KATIHAR, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Education Department,
Bihar, Patna
2. B.N. Mandal University, Madhepura, Through Its Registrar
3. The Vice Chancellor, B.N. Mandal University, Madhepura
4. The Registrar, B.N. Mandal University, Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent/s	:	Mr. Amit Bhushan, AC to GP
For the University	:	Mr. Raju Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-09-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State as well as University.

On behalf of the State counter affidavit has been filed
admitted on principle that two advance increments are available
on acquiring Ph.D degree to the teachers who acquire Ph.D
degree during the course of their service prior to 01.01.1996.
Only issue raised in the counter affidavit is that the teachers,
who took advantage of Ph.D degree in getting promotion shall
not be entitled to two advance increments.

From the pleadings, it appears that the petitioner was
appointed as Lecturer on 15.11.1976. He was granted promotion
as Reader with effect from 15.09.1986. Petitioner obtained Ph.D



degree vide notification dated 01.11.1993.

In view of the fact that the Ph.d degree was obtained by the petitioner after grant of promotion as a Reader on 15.09.1886 and as such there is no question of availing benefit of Ph.D in obtaining promotion and in view of the stand of the State petitioner is entitled to grant of two advance increments after obtaining Ph.D degree. The petitioner obtained Ph.D. degree during the service period after grant of promotion.

In view of the above, the writ petition is allowed, respondents University is hereby directed to grant two increments in accordance with the decision of the statutory of Provisional Pay Fixation Committee contained in Annexure-6 dated 15.09.2011 and grant all monetary benefit of such decision dated 15.09.2011 to the petitioner within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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