

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19524 of 2016

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1. Amar Nath Gupta, S/o Late Bhawani Dayal Gupta, Resident of Mohalla -
Postal Park Road No. 1, P.S. - Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Depart. of Education,
Govt. of Bihar, Patna
2. The Director, Dept. of Higher Education, Govt. of Bihar, Patna
3. The Vice Chancellor, Magadh University, Bodh Gaya
4. The Registrar, Magadh University, Bodh Gaya
5. The Principal, S.G.G.S. College, Patna City

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
For the Respondent/s : Mr. Prabhakar Jha-Gp27
For the University : Dr. Kumar Amitesh Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

6 03-04-2018 Heard learned counsel for the petitioner, counsel appearing on
behalf of the State.

The petitioner is aggrieved of the order contained as Annexur-8
whereby the pay verification cell has fixed the pay scale of the
petitioner on the post of Assistant Professor instead of Reader.

Learned counsel for the petitioner submitted that in terms of the
recommendation of the Agrawal Commission, the date of appointment
of the petitioner shall be treated as 03.08.1985 and the pay verification
cell has absolutely no jurisdiction to interfere with the date of
absorption of the petitioner and the action of the respondent relying on
the recommendation of the Pay Verification Cell is nullity. He has
placed reliance of Annexure-9 to contend that the recommendation of



the Justice S.C. Agrawal Commission is binding on the University and other respondents. The date of absorption of the petitioner fixed as per the recommendation of Justice Agrawal Commission is conclusive and in view of the above, the action of the pay Verification Cell reducing the status of the petitioner from the Reader to Assistant Professor is illegal and arbitrary.

From perusal of Annexure 15, it appears that the name of the petitioner appears at serial No.65 in the college in question as Lecturer, Chemistry, the date of appointment is shown as 3.8.1985 against sanctioned post.

In view of the above and the decision of this Court contained in Annexure-9 were similar issue was considered by a coordinate Bench of this Court is applicable in this case also. This petition is accordingly allowed and the order contained in Annexure-8 is quashed. The respondents are hereby directed to treat the petitioner's appointment with effect from 3.8.1985 and work out entitlement of the petitioner within a maximum period of sixty days.

With the aforesaid direction, this writ petition is allowed.

(Anil Kumar Upadhyay, J)

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