

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20694 of 2014

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Ram Deo Singh, son of Late Ram Bashawan Singh, Resident of Mohalla-Old
Police Lines, Police Station- Rampur , District -Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary , Human Resources Development
Department, Higher Education Bihar, Patna.
2. The Director , Higher Education, government of Bihar, Patna.
3. The Vice Chancellor , Magadh University , Bodh Gaya, District-Gaya.
4. The Registrar , Magadh University, Bodh Gaya, District- Gaya.
5. The Finance Officer , Magadh University , Bodh Gaya, District- Gaya.
6. The Senior Auditor (Lakshman Ram), Finance Department , Government of
Bihar, Patna.
7. The Principal , Gaya College , Gaya, District-Gaya.
8. The Pay Fixation committee of Magadh University , Bodh Gaya through its
Chairman.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bakshi S R P Sinha, Sr. Advocate
For the State	:	Mr. Prabhat Kumar, AC to SC 5
For Magadh University	:	Mr. Shivendra Kishore, Sr. Advocate
		Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-10-2018 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Grievance of the petitioner in the instant writ
application is inaction on the part of the respondent authorities
in fixing his pay in the revised pay scale of Librarian by



referring the same to the statutory Pay Fixation Committee of the University.

Learned counsel representing the petitioner submits that on the one hand the respondent authorities are sitting tight over the matter and on the other hand they are recovering the alleged excess amount said to have been paid to the petitioner on the basis of objection of the Auditor of the Finance Department. It has been held out by this Court that the State Auditor has absolutely no role in the matter of pay fixation and only the statutory committee of the University has competence in the matter of pay fixation. Notwithstanding the aforesaid decision of this Court in a number of cases, the University is not taking any final decision by referring the case of petitioner to the Pay Fixation Committee and proceeding ahead to recover the alleged excess amount as per the audit objection of the State Auditors.

Considering the aforesaid, the writ application is disposed of with the direction to the respondent University to take appropriate final decision in the light of the order passed by this Court in CWJC No. 8335 of 2010 dated 28.07.2010 within a maximum period of 60 days from the date of receipt/production of a copy of this order. Until further orders, further recovery on



the basis of the objection of the Auditors shall be stayed. In the event any amount has already been recovered, the same will abide by the final decision of the statutory Pay Fixation Committee of the University.

(Anil Kumar Upadhyay, J)

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