

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20715 of 2014

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1. Dr. Sachindra Kumar Singh Son of Late Bishwanath Prasad Singh 1, University Quarters, Khabra Road , Muzaffarpur.
 2. Dr. Shambhu Nath Kumar Son of Late Srideo Kumar Anand Colony, Khadi Bhandar, in front of Rargni Gate, Kanchanli, P.O.- Ramnna, Muzaffarpur
 3. Dr. Satish Chandra Jha Son of Late Krishna Chandra Jha Mohini Vilas, New Shastri Nagar Colony, P.O.-Ramna, P.S.- Mithanpura, Muzaffarpur.
 4. Dr. Radha Raman Singh Son of Late Indradeo Singh Poonam Sadan, South East of Railway Crossing No.06, Khabra, Muzaffarpur.
 5. Dr. Syed Ehteshamuddin Son of Late S.Badiuddin Retired Professor and head, B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The B.R.A. Bihar University, Muzaffarpur through its Registrar.
5. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.
6. The Registrar, B.R.A. Bihar University, TinkoThia, Jail Road, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh
For the Respondent/s	:	Mr. Ravi Bhardwaj, AC to GA-13
For BRABU	:	Mr. Priyank Deepak, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-08-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State as well as University.

Mr. Sunil Kumar Singh learned counsel for the petitioners has drawn attention of this Court to Annexure-3 whereby University has granted grade pay of Rs 12000/- to the petitioners with effect from 1.1.2006. He submits that despite the office order contained in Annexure-3 the actual payment has



not been made to the petitioners. He further submits that UGC has taken a decision to grant pay scale of 67000-79000 without any grade pay which was earlier admissible as Rs. 12000/- to 10 per cent of the teachers in the professor position. He admits that the following Annexure-4 the State Government has not taken any decision.

In the absence of any counter affidavit, the Court is constrained to dispose of the writ petition with direction to the University to ensure payment of the grade pay of Rs. 12000/- with effect from 1.1.2006 to the petitioners till they have superannuated in the light of office order contained in Annexure-3.

The claim with regard to pay scale of Rs. 67000-79000/- in terms of Annexure-4 cannot be considered at this stage unless the State Government adopts recommendation of the UGC and issue appropriate direction or in the case where the benefit of such pay-scale has been extended to any other teachers, the petitioners cannot raise any grievance as to non-payment of pay and pensionary benefit on the line of Annexure-4.

Accordingly, the claim with regard to payment of scale and revision of pension at this stage is not adjudicated.



However, liberty shall be available to the petitioners as and when such occasion arises to agitate before appropriate forum or the Court in accordance with law and the issue of entitlement as per Annexure-4 shall be examined in appropriate case.

In view of the above, the writ petition is disposed of with direction to the University to work out the amount payable to the petitioners on account of Annexure-3 if not already determined within a maximum period of three months from the date of receipt/production of a copy of this order and also ensure payment of difference in terms of Annexure-3 within a further period of two months from the date of such decision by the University.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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