

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5270 of 2011

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Usha Devi, wife of late Krishna Kumar Singh, Resident Of Village - Narsinngpur,
Gilani, Teus, P.O.- Gilani, P.S.- Jairampur More, District – Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development , Government of Bihar, Patna
2. The Director, Higher Education, Government of Bihar, Patna
3. The Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur
6. The Principal, R.D. College, Sheikhpura, District - Sheikhpura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Respondent/s : Mr. AC to AG

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 22-06-2018

Ref.: I.A. No. 3535 of 2016

For the reasons stated in the interlocutory application, bearing I.A. No. 3535 of 2016, the substitution petition for substitution of legal heirs of original petitioner is allowed and the widow of original petitioner, namely, Usha Devi, is substituted in place of original petitioner.

2. The controversy in the present writ application is whether the original petitioner was entitled for fixation of pay scale of Rs.4000-6000/- w.e.f. 01.01.1996 or to pay fixation in the pay scale of Rs.3050-4590/-.

3. From the counter affidavit of the University, it



appears that the respondents have carefully examined the claim of the petitioner and they have come to a conclusion that there is no infirmity.

4. In the counter affidavit filed on behalf of the State, a stand has been taken that it is the matter to be decided by the University and the State has no role to play.

5. In the aforesaid circumstance, when the State has washed its hand in the present proceeding, the dispute is now confined to the petitioner and the University.

6. The petitioner in the writ application has assailed the decision of the University on the ground that there is denial of pay scale and the adverse order of the University against the original petitioner without compliance of principles of natural justice and fair play i.e. without any notice and hearing. The law in this regard is well settled that no order visiting evil and civil consequence can be passed against any person without compliance of principle of natural justice. Reference in this connection may be made to the judgment of the Apex Court in the Case of **H.L. Trehan and Ors. Vs. Union of India and Ors.**, reported in **AIR 1989 SC 568**.

7. In view of the above, the writ application is allowed, the order as contained in Annexure-2 is not sustainable and is accordingly quashed. The respondent University is directed to take



fresh decision in the matter, as the earlier decision was passed without opportunity of hearing to the original petitioner. They are also required to hear the substituted petitioner before taking any final order adverse to the interest of the substituted petitioner. Final decision must be taken within a period of three months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26 .06.2018
Transmission Date	

