

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.8103 of 2018**

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1. Dr. Savitri Sinha Wife of Dinesh Prasad Singh resident of Mohalla - Keishnapuri, P.S. - Begusarai, District - Begusarai retired as Associate Professor (Reader) in the department of Philosophy, S.K. Mahila College, Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, S.K. Mahila College, Begusarai.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Singh  
For the Respondent/s : Mr. PRABHAKAR JHA -GP27  
For L.N.M.U. : Mr. Md. Nadim Seraj, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**Date: 08-05-2018**

Heard the learned counsel for the petitioner and counsel appearing on behalf of the State.

The issue raised in the present writ application is not more res integra. The issue was appropriately discussed by a coordinate Bench in C.W.J.C. No.1149 of 2010 vide order dated 20<sup>th</sup> August, 2014. The coordinate Bench has disposed of the writ application in the following terms :-

“There is no dispute that the 6<sup>th</sup> U.G.C. pay scale has been made effective from 01.01.2006. The benefits of two or three advance increments on acquisition of Ph.D. degree, in my opinion, can be denied only if the university/authorities come to a conclusion that the concerned teacher was awarded the said



degree without complying with the process prescribed by the U.G.C. for enrollment, course-working and evolution etc.

In such view of the matter, I consider it appropriate to remand the matter back to the Vice Chancellor, Lalit Narayan Mithila University, Darbhanga to consider the petitioner's case afresh. The petitioner will not be denied two increments with effect from the date of acquisition of Ph.D. if the Ph.D. was awarded by the University after following the process prescribed by U.G.C. for enrollment, course-working and evolution etc. If the petitioner is able to satisfy the Vice-Chancellor on these aspects, the increments will not be denied and the petitioner will be given full benefit of increments on acquisition of Ph.D. degree with effect from date of acquisition of such degree. This made clear and reiterated that before denying the petitioner's claim for two increments, the Vice Chancellor will have to record in writing that the Ph.D. was awarded upon the petitioner without complying with the process prescribed by the U.G.C. for enrollment, course-working and evolution etc. The decision must be taken by the Vice Chancellor of the University within a period of three months from the date of receipt/production of a copy of this order.

If the petitioner is found entitled to the increments which he has claimed for, the entire difference of salary giving him two increments from the date of acquisition of Ph.D. degree shall be calculated and paid to him within a period of two months thereafter.

This application is disposed of accordingly.

The petitioner will be at liberty to raise his claim before the Vice-Chancellor as regards payment of arrears of salary consequent upon introduction of Revised U.G.C. Scale. If such claim is raised before the Vice-Chancellor to treat the petitioner equally with other similarly situated persons in the matter of payment of such arrears, the Vice-Chancellor will be required to pass appropriate order in a manner that he is not discriminated against those who are similarly situated."

The present writ application is also disposed of on similar terms. The respondents have to examine the claim of the petitioner within a maximum period of 60 days from the date of receipt /



production of a copy of this order and extend the same benefit to this petitioner also.

**(Anil Kumar Upadhyay, J)**

Sanjeev/-

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