

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2541 of 2017

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1. Kumar Gautam, S/o- Shri Dinesh Kumar Sinha, Resident of Chhoti Badalpura (Near Thakurbari), Khagaul, P.O. and P.S.- Khagaul, District- Patna.
 2. Uma Shankar Sharma, S/o- Late Dashrath Prasad Sharma, Resident of Purani Bazar, Tarapur (Near Ulta Mahadev Mandir), P.O. and P.S.- Tarapur, District- Munger.

... .. Petitioner/s

Versus

1. The Bihar Agriculture University, Sabour, Bhagalpur through its Vice Chancellor, Sabour, Bhagalpur.
2. The Vice Chancellor, Bihar Agriculture University, Sabour, Bhagalpur.
3. The Registrar, Bihar Agriculture University, Sabour, Bhagalpur.
4. The Director (Administration), Bihar Agriculture University, Sabour, Bhagalpur.
5. The Dy. Director (Administration), Bihar Agriculture University, Sabour, Bhagalpur.
6. The Comptroller, Bihar Agriculture University, Sabour, Bhagalpur.
7. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.K.Giri, Advocate
For the State	:	Mr. Jay Prakash Sharma, AC to GP-21
For the University	:	Mr. Ram Krishna, Advocate
		Mr. K.L. Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 14-05-2018 In the matter of determination of pay scale and pay grade, experts are competent to take any decision. The court has no expertise to enter into the controversy that what would be appropriate pay scale of the Senior Auditor/Accounts Officer.

Mr. Sanjay Kumar Giri, learned counsel for the petitioners referring to the pay scale admissible to the Senior Accounts Officer, Finance submits that the petitioners and also the Senior Accounts Officer working in the Agriculture



University are entitled to the pay-scale admissible to the Senior Accounts Officer of the Finance Department.

The Court is not inclined to accept the submission simply because similar nomenclatures are not enough for the purpose of grant of same pay-scale. In the matter of determination of pay-scale many factors weigh. It is only the expert committee which has competence to determine that what pay-scale and pay grade should be extended to the employees particularly in the present case where the State Government has filed Counter Affidavit indicating therein that the post of Senior Accounts Officer of Finance Department and the post of Senior Accounts Officer of the Bihar Agriculture University is not same.

In view of the above the Court does not find any substance in the submission of Mr. Sanjay Kr. Giri, learned counsel for the petitioners to issue any direction in the facts and circumstances of the case. However, liberty shall be available to the petitioner to file an exhaustive representation if materials are available to indicate that process of recruitment, nature of responsibility, channel of promotion and other factors are similar like the Accounts Officer of the Finance Department.

The petitioners may approach the Agriculture



Production Commissioner for consideration of this case in view of the law laid down by the Apex Court in the case of ***Secretary, Finance Department Vs. West Bengal Service Commission: AIR 1992 SC 1203.***

With the aforesaid this writ petition is disposed of.

It is made clear that the court has not expressed any opinion on merit of the claim of the petitioner. It is for the experts to examine that the petitioners working as Accounts Officers is entitled to the same pay-scale admissible to the Senior Accounts Officer of the Finance Department.

It is up to the petitioner to establish that the mode of recruitment, nature of job and responsibility, qualification, avenue of promotion are same as the Senior Accounts Officer of the Finance Department.

(Anil Kumar Upadhyay, J)

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