

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17172 of 2016

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1. Prof. (Retd.) Janardan Prasad Singh, Son of Late Jagdish Prasad Singh, resident of 25-Ram Krishna Path, North Srikrishnapuri, Police Station-Srikrishnapuri, District and town of Patna - 800013.
 2. Dr. Samir Kumar Sharma, Son of Late Shio Sahay Sharma, resident of 102-Madhu Kunj Apt., Opp.- Forest Dept. Nehru Nagar, Patliputra, Patna- 800013.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Vikas Bhawan, Patna.
2. The Pay Verification Cell through its authorised officer, Education Department, Government of Bihar.
3. The Chancellor, Patna University, Raj Bhawan, Patna.
4. The Patna University through the Registrar, Patna University, Patna.
5. The Vice- Chancellor, Patna University, Patna.
6. The Registrar, Patna University, Patna.
7. The Accountant General, Bihar Beer Chand Patel Path, 'R' Block, Patna.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Smt. Shilpa Singh, GA-12
Mrs. Neetu Jha, AC to GA-12

For the University : Mr. Digvijay Singh, Advocate
Mr. B. J. Jha, Advocate

For the Acctt General : Mr. Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 16-05-2018

Heard Mr. Kumar Kaushik learned counsel for the
petitioners and the respondents.

2. Two folds grievance have been raised in the present writ application. Firstly; learned counsel for the petitioners questioned the validity of the action of the Pay Verification Cell. Referring to Annexure-12 he submits that the issue is no more *res integra*. A Co-ordinate Bench of this Court has already held out that the Pay



Verification Cell can only raise objection and no authority can annul the promotion granted to the teachers considering the decision of a Co-ordinate Bench of this Court passed in C.W.J.C. No. 7636 of 2014 dated 15.01.2015.

3. In view of the above, this Court cannot approve Annexure-5 and Annexure-11, whereby Pay Verification Cell has reviewed the pay scale by shifting the date of joining of the petitioners and issued pay slip for reduced basic salary of the petitioners.

4. The other grievance of the petitioners with regard to grant of UGC pay scale is concerned, the counsel for the respondents have admitted the entitlement of the petitioners and they have expressed their difficulty in making payment of the arrears on account of paucity of fund. The respondent University has taken the stand that the petitioners would be paid the arrears of UGC revised pay scale, as soon as the funds are made available by the State Government.

5. In view of the above, there is no lis to be determined as to the entitlement of the petitioners for grant of UGC pay scale and the arrears. The only impediment in the way of the University in granting the arrears of UGC pay scale is paucity of fund, for which the University has raised a demand for allocation of additional fund as per the stand of the University counsel. In view of statutory scheme, the State Government is under obligation to provide additional fund



considering the utilization certificate submitted by the University for utilization of fund allocated in past within a maximum period of 60 days from the date of receipt/production of a copy of this order. The State Government is also required to release additional fund and the University is directed to work out the entitlement of the petitioners on account of arrears of UGC pay scale within a further period of 30 days.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2018
Transmission Date	

