

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13288 of 2014

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1. Mohini Mohan Khan, son of Late Chandra Mohan Khan
Reader/Associate Professor, Department of Labour and Social
Welfare, R.M. College, Saharsa.
 2. Ratneshwar Jha, son of Late Madhav Jha, Reader/Associate
Professor, Department of Labour and Social Welfare, R.M.
College, Saharsa.
 3. Avinash Kumar son of Sri Gajendra Prasad Yadav
Reader/Associate Professor, Department of Ancient Indian
History, R.M. College, Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Education , Govt.
of Bihar, Patna.
2. The B.N. Mandal University, Laloo Nagar, District - Madhepura through its
Registrar.
3. The Vice-Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
4. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
5. The Principal, R.M. College, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate.
For the State	:	Mr. Manoj Kuamr Yadav, Advocate.
For the University	:	Mr. Shashi Bhushan Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 04-10-2018

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State as well as B.N.Mandal
University(hereinafter referred to as the ‘University’).

2. The grievance of the petitioners in the instant writ
application is against the objection raised by Pay Verification
Cell in the matter of fixing the date of grant of promotion.

3. Petitioners were appointed as Lecturer in the
college which was made constituent in the fourth phase. In
relation to the fourth phase constituent colleges, the matter was



taken to the Supreme Court and on reference by the Supreme Court, Justice S.C.Agrawal Commission (hereinafter referred to as the “Agrawal Commission”) inquired into the matter and submitted its exhaustive report wherein the Agrawal Commission has noted the date of initial appointment of incumbent teachers who were found eligible for absorption. The Agrawal Commission determined the date of initial appointment of the petitioners and contrary to the finding of the Agrawal Commission, which has been approved by the Apex Court, the Pay Fixation Cell has raised objection.

4. The issue as to competence of the Pay Verification Cell and sitting over the decision of the Agrawal Commission is no more *res integra*. This Court has already held out that the Pay Verification Cell has absolutely no jurisdiction to tinker with the date determined by the Agrawal Commission and notified by the University.

5. In view of the aforesaid factual and legal position, the writ application is allowed and disposed of and the respondents are directed to treat the date determined by Justice S.C.Agrawal Commission as conclusive for the purpose of grant of all consequential benefit including the seniority and promotion and accordingly respondents are directed to take all



corrective measures within a maximum period of three months
from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

