

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5269 of 2018

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Devendra Prasad Singh, Son of Late Ramsagar Singh, Resident of Village
Andour, P.S. Mohaddi Nagar, District- Samastipur.

.... Petitioner/s

Versus

1. The Lalit Narayan Mithila University through its Vice Chancellor Kameshwar Nagar, Darbhanga.
2. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Finance Officer, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga.
4. The Principal Ras College, Andour Mohaddinagar, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 20-04-2018

Heard, counsel for the petitioner and the counsel appearing
on behalf of the respondents.

Many folds relief have been prayed in the present writ application. So far the pay scale is concerned, the matter was earlier examined by a Co-ordinate bench of this Court. The Court noticing the totality of the facts situation granted liberty to the petitioner to approach the University for consideration of his case for grant of pay scale.

It is a matter of common knowledge that for the post of librarian different pay scales are based on qualification and experience. The petitioner cannot as a matter of course claim the pay



scale of librarian admissible to the librarian under the UGC scale. The qualification and eligibility under the UGC are very stringent and very akin to the qualification of Assistant Professor. While disposing of his writ petition the Co-ordinate Bench of this Court has taken note of the fact that mere holding the degree of library science *ipso facto* does not confer the entitlement for payment of salary of the librarian.

In the present writ application, the petitioner has again raised the same issue, of course, in different language as he has prayed for payment of pay scale of Rs.6500-10500/- with effect from 01.01.1996, and thereafter fixation of pay scale in Rs.9300-34800. The pay fixation is realm of the expert and the Court is not substitute for the experts. The claim for grant of A.C.P./M.A.C.P is concerned, this issue can be raised by the petitioner before the University. It shall be the obligation of the University to decide the claim of the petitioner for grant of A.C.P./M.A.C.P. in accordance with law. The University, who is better in position to appreciate the factual aspect of the matter and is required to work out if there is occasion for determination of monetary benefit. If the claim of the petitioner for grant of pay scale of the librarian is accepted by the University only in that situation corresponding enhancement under the A.C.P/M.A.C.P. is permissible.



Considering the totality of the facts situation, the writ application is disposed of with direction to the University to take final decision with regard to the entitlement of the pay scale on the basis of the eligibility and other condition fixed by the UGC and approved by the Stage Government while approving the pay scale. Thereafter the university will also consider the claim of revision of pay under ACP/MACP Scheme. If there is such occasion, the entire exercise in this regard must be completed within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2018
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