

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4066 of 2017

Dr. Mithilesh Kumari Wife of Shri P.P.N Singh, Resident of E- 136, Peoples' Co-operative Colony, P.O. Lohiyanagar, P.S. Kankarbagh, Town and District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Incharge Officer, Pay Approval Cell, Department of Education, Bihar, Patna.
2. The Magadh University through its Vice Chancellor, Magadh University, Bodh Gaya.
3. The Vice Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.
For the Respondent/s : Mr. Ram Balak Mahto, AG

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 05-08-2019 The only issue involved in the present writ application is the objection of the auditor of the Education Department. This Court has held out in numerous cases that the auditor of the Education Department has absolutely no role to play in the matter of determination of pay scale as there is statutory scheme under the University Statute and statutory committee is competent to take care of promotion and the benefit of pay fixation of University Teachers. One of such judgment of this Court is reported in **2019(1) PLRJ 1010**. In view of the above, the objection of the Incharge Officer pay verification cell is unsustainable. The decision is not sustainable for the added reasons that the Career Advancement Scheme was introduced on 27.07.1998 and merit position scheme came to an end in 2001.



The promotion was granted to the petitioner in the year 2016 w.e.f. 09.05.1996 when the petitioner became eligible for promotion under merit promote scheme. The reason assigned by the pay fixation cell is absurd and contrary to law. It is reiterated that the promotion was granted to the petitioner w.e.f. 09.05.1996 as the petitioner was entitled to benefit under the existing merit promotion scheme which was available upto 2001. The right to consideration accrued to the petitioner before ceassation of the merit promotion scheme and as such, the Court does not find any infirmity in the notification of the Magadh University dated 27.06.2016 whereby the petitioner was granted benefit of promotion under the promotion scheme w.e.f. 09.05.1996.

Accordingly, the letter raising objection contained in Annexure-15 is quashed. The respondents are directed to immediately act upon the notification dated 27.06.2015 with regard to grant of promotion to the petitioner as Reader in the merit promotion scheme w.e.f. 09.06.1996 with all consequential benefits at the earliest preferably within a period of three months from the date of receipt/production of copy of this order.

With the aforesaid, the present writ petition is allowed and it is disposed of.

(Anil Kumar Upadhyay, J)

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