

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18478 of 2015

1. Arun Kumar Thakur and Ors son of Sri Baidyanath Thakur, Presently working as Laboratory Boy, Araria College, Araria, P.O., P.
2. Upendra Jha, son of Late Chandra Nand Jha, Presently working as Laboratory Boy, Araria College, Araria, P.O., P.S
3. Subhankar Thakur, son of Sri Ram Narayan Thakur, Presently working as Laboratory Boy, Araria College, Araria, P.O., P.
4. Pradeep Kumar Thakur, son of Late Kapil Mohan Thakur, Presently working as Laboratory Boy, Araria College, Araria, P.O., P
5. Shambhu Nath Jha, son of Late Khela Nand Jha, Presently working as Laboratory Boy, Araria College, Araria, P.O., P.S.
6. Sahdeo Ram, son of Sri Rameshwar Ram, Presently working as Peon, Araria College, Araria, P.O., P.S. and District
7. Shyamdeo Jha, son of Late Sukhdeo Jha, Presently working as Peon, Araria College, Araria, P.O., P.S. and District-
8. Uma Shankar Chaudhary, son of Late Shukdeo Chaudhary, Presently working as Peon, Araria College, Araria, P.O., P.S. and Dis
9. Trilok Nath Jha, son of Late Badri Nath Jha, Presently working as Night Guard, Araria College, Araria, P.O., P.S. and
10. Jagdish Prasad @ Jagdish, son of Late Baijnath Prasad Bhagat, Presently working as Night Guard, Araria College, Araria, P.O.,
11. Jai Krishna Rai, son of Late Bishnudeo Rai, Presently working as Peon, Araria College, Araria, P.O., P.S. and Distric
12. Prabhat Prasad Chaurasia, son of Late Gajadhar Prasad, Presently working as Peon, Araria College, Araria, P.O., P.S. and Distr
13. Uttam Lal Rishideo, son of Late Saukhi Rishideo, Presently working as Peon, Araria College, Araria, P.O., P.S. and Distr
14. Kamini Devi, wife of Sri Rajesh Kumar Prasad, Presently working as Peon, Araria College, Araria, P.O., P.S. and D
15. Sheo Kant Jha, son of Late Vishnu Kant Jha, Presently working as Peon, Araria College, Araria, P.O., P.S. and Distr

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura through its Registrar.
5. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar,



Madhepura.

6. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
7. The Finance Officer, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
8. The Principal, Araria College, P.O., P.S. and District- Araria.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.S.P. Singh- Ga7

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 08-08-2019 The issue raised in the present writ application is no more res integra.

This Court time and again declared that the auditor of the State Government has no role to play in the matter of pay fixation. The University has statutory pay fixation committee and only statutory pay fixation committee is competent to take appropriate decision with regard to pay fixation.

The salary of the petitioners was fixed by the pay fixation committee and after fixation the petitioner was drawing salary as per pay fixation but subsequently on the objection raised by the auditor of the State Government, the pay scale of the petitioners was reduced and recovery sought to be made on the basis of decision of the auditor of the State Government.

Considering the fact that the auditor of the State Government has no role to play in the pay fixation, it is domain



of the statutory pay fixation committee of the University, the writ petition is disposed of with a direction to the University and the State Government to strictly adhere to the decision of the statutory committee constituted under the Provision of the Bihar State University Act and grant pay scale as determined by the statutory pay fixation committee unless the same is modified by the same statutory committee or authorities superior to the pay fixation committee under the Provision of Bihar State University Act, the respondents are hereby directed to restore the pay fixation made by the University and grant all consequential benefits with immediate effect.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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