

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18368 of 2018

1. Dr. Ghanshyam Choudhary Son of Late Jintendra Choudhary, Associate Professor, Department of Chemistry, R.M. College, Sahars Permanent Resident of Village- Ahiyari, P.S. Kamtaul, District- Darbhanga.
2. Dr. Amar Nath Choudhary, Son of Late Kula Nand Choudhary, Associate Professor, Department of Commerce, R.M. College, Saharsa, Permanent Resident of Professor Colony, Ward No. 16, Gangjala, P.S. District- Saharsa.
3. Dr. Anil Kumar Mishra, Son of Late Rohini Raman Mishra, Associate Professor, Department of Zoology, R. M. College Saharsa, Permanent Resident of Village- Pindaruoh, P.S. Kamtaul, District- Darbhanga, Presently transferred to H.P.S. College, Nirmali, Supaul.

... .. Petitioner/s

Versus

1. The Atate of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The B.N. Mandal University, Madhepura through its Registrar
4. The Vice -Chancellor, B.N. Mandal University, Madhepura
5. The Registrar, B.N. Mandal University, Madhepura.
6. The Director, Higher Education, Education Department, Government of Bihar, Patna.
7. The Pay Verification Cell, Education Department, Government of Bihar, Patna through its Authorized officer

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra
For the Respondent/s	:	Mr.Madanjeet Kumar -Gp20
	:	Mr. Arvind Kr. Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2019 The learned counsel for the parties are in agreement that the present case is squarely covered by a judgment rendered by a coordinate Bench of this Court ***dated 15.01.2015*** passed in ***CWJC no. 7636 of 2014 (Dr. Kedar Nath Pandey & ors. v. The Magadh University, Bodhgaya)*** as reported in ***(2015)***



1 PLJR 574, paragraphs no. 16 and 17 whereof are reproduced

hereinbelow:-

“16. In view of the above, the objection of the Pay Verification Cell cannot have the effect of annulling previous notifications issued by the University, unilaterally, nor can such objection have the effect of modifying the previous notification issued in favour of the petitioners. Such objections will be treated as audit objections for which notices would be required to be given to the University concerned, which in turn will issue notice to the concerned affected teachers and employees, seek their response and the University thereafter will revert to the Pay Verification Cell. If the response of the University or the concerned employee is not found to be satisfactory, the State Government can issue appropriate direction to the University to issue appropriate corrigendum within the time frame so fixed. But the final notification and amendment or corrigendum or clarification of the previous decision has to be taken by the University because Pay Verification Cell does not have any power in this regard.

17. Yet another serious infirmity found by the Court is that the decision contained in Annexure-8 series has been passed in gross violation of the principles of natural justice because the decision so taken by the Pay Verification Cell has serious civil consequences for these petitioners since they are going to not only loose out on the salary they have so earned but even the orders of promotion etc. which they have acquired over a period of time on the basis of the date of their initial absorption on their respective post and position gets altered. ”



Having regard to the fact that the learned counsel for the parties do not have any dispute with regard to the applicability of the aforesaid judgment rendered in the case of ***Dr. Kedar Nath Pandey (supra)***, the present writ petition is disposed of on the similar terms with a direction to the respondents to grant similar benefits to the petitioners herein.

(Mohit Kumar Shah, J)

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