

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6156 of 2020

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1. Vijay Kumar Suman son of Late Markandey Ram resident of Village Sohwalia, P.O. Kopasar, District Rohtas.
 2. Satish Kumar son of Parasnath Pal resident of Village Basgitiya, P.O. Khanaithi, District Kaimur Bhabhua.
 3. Arjun Prasad son of Haricharan Sah resident of Village Belawon, P.O. Kharenda, P.S. Belawon, District Kaimur Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building Patna.
2. The Additional Secretary cum Director (Secondary Education), Department of Education, Government of Bihar, Patna.
3. The District Program Officer (Establishment), Kaimur at Bhabhua.
4. The District Education Officer, Kaimur at Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kumar Verma, Advocate Mr. Jai Vardhan Narayan
For the Respondent/s	:	None

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 21-08-2020 Heard Mr. Sarvesh Kumar Verma, learned counsel appearing on behalf of the petitioners. No one appears on behalf of the State notwithstanding the fact that the name of the Advocate General appears in the cause list.

The present writ application has been filed by the three petitioners raising a grievance that after fixation of their pay scale in terms of the 7th Pay Revision Committee recommendation, the respondents have decided to reduce the pay fixed and recover the excess amount paid without providing



any opportunity of hearing to the petitioners.

Mr. Sarvesh Kumar Verma, learned counsel appearing on behalf of the petitioners submits that arbitrarily the respondents have decided to recover the alleged excess amount from the salary of the petitioners and before taking such decision the respondents have not provided any opportunity of hearing to the petitioners. He submits that the petitioners were appointed in between 18.8.2007 to 23.07.2011 as Panchayat Teachers. The petitioners have undergone teachers training and their result was declared on 31st of March, 2011. The 7th Pay Revision Committee report was implemented and the pay scale of the petitioners was accordingly fixed and now the respondents have decided to alter the pay fixation detriment to the interest of the petitioners without providing opportunity of hearing.

Since there is no appearance on behalf of the State, the Court is constrained to dispose of the writ petition with direction to the respondents to provide opportunity of hearing to the petitioners in the matter of fixation of their pay scale and pay grade. In the event the respondents have taken adverse decision without opportunity of hearing to the petitioners, they are restrained from acting upon such decision taken behind the



back of the petitioners without opportunity of hearing to them.

Accordingly, the writ petition is disposed of with direction to the respondent-State to provide opportunity of hearing to the petitioners and pass fresh order with regard to entitlement of the petitioners for pay fixation.

Until fresh decision in this regard, the respondents are restrained from making any recovery from the salary of the petitioners.

With the aforesaid, the present writ petition is disposed of.

(Anil Kumar Upadhyay, J)

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