

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1585 of 2018

In
Civil Writ Jurisdiction Case No.10937 of 2018

=====

Ram Prasad Mishra, Son of Late Brij Nandan Mishra Resident of Mohalla
A/108 Pepuls Copretive Coliny PS Kankarbagh Patna 800020.

... .. Appellant/s

Versus

1. The State Of Bihar through the Secretary/Commissioner, Department of Education, Government of Bihar, Patna.
2. The Secretary, Finance Department, Government of Bihar Patna.
3. The Vice Chancellor, Patna University Ashok Raj Path Patna.
4. The Registrar Patna University, Ashok Raj Path Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Sudhir Kumar Tiwary, Advocate
For the State	:	Mr.Ashutosh Ranjan Pandey- AAG15
For the University	:	Mr. Harendra Kumar Tiwary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 06-02-2020

Heard learned counsel for the appellant, learned
counsel for the State and learned counsel for the Patna University.

A short question has been raised in the present case
that the University vide Notification No. 1547 dated 6.11.2012 has
equalized the pay of the Section Officer and the Assistant at par
with the scale of pay to those who are working in the Secretariat of
the State Government with effect from 1.01.1986, but prior to that
the Government has issued a memorandum vide Memo No. 898
dated 07.06.2007 whereby and whereunder the pay has been



equalized with effect from 1.01.1996 and later on the University has modified it by its own notification and made it from the date fixed by the State Government i.e. 1.01.1996.

It appears from the record that the Section Officer as well as Assistant approached this Court making a claim that they should be paid the salary at par with those of their counterparts working in the Secretariat of the State Government. The same was accepted, which was challenged before the Hon'ble Supreme Court unsuccessfully and ultimately, the State Government has taken a decision and made applicable from 1.01.1996 vide notification no. 898 dated 07.06.2007, but it appears that the University has made it applicable with effect from 1.01.1986. Later on the University made it applicable with effect from 1.01.1996. The appellant has been paid salary and arrears at par with his counterpart working in the Secretariat with effect from 1.01.1996, but the claim has been made by the appellant that the University has fixed the date i.e. 1.01.1986, so the payment should be made from that date. Hence, he should be paid the arrears of salary with effect from 1.01.1986 to 1.01.1996.

The finance used to come from the State Government as the University does not have any resources to generate sufficient fund except the fee and form, which are not sufficient to cater the need



of the University in the matter of payment of salary and other miscellaneous expenses. The Government has implemented the order of the Hon'ble Supreme Court, but it made it effective from 1.01.1996. Counsel for the appellant has not brought any material on record to show that other employees similar to this appellant have been paid the salary as well as arrears with effect from 1.01.1986. If any employee at par with the appellant has received the revised scale with effect from 1.01.1986, then he will be at liberty to make a representation before the Registrar, Patna University, who will look into the matter and take a decision in accordance with law.

With this observations and directions, this appeal is disposed of.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	10.02.2020
Transmission Date	N.A.

