

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4722 of 2020

Indranath Jha, S/o Late Dharmnath Jha, Resident of Shyambagh, Near Hanuman Mandir, P.O.- K.S.D.S.U. Shyambagh, P.S.- Darbhanga, District-Darbhangha, retired as Assistant, Head Quarter, L. N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Smt. Binita Singh (SC-28)
For the University	:	Mr. Nadim Seraj, Advocate
		Mr. Ajay Behari Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 13-04-2021 Heard Mr. Shashi Bhushan Singh, learned counsel for the petitioner, Mrs. Binita Singh, learned counsel for the State and Mr. Ajay Behari Sinha learned counsel for the University.

Time and again, this Court has reminded the University as well as the State that in the matter of pay fixation, the Statutory Committee of the University has exclusive jurisdiction and the Pay Verification Cell of the State has absolutely no jurisdiction, yet the respondent authorities of the State of Bihar is adamant to defy the direction issued by the Court on numerous occasion.



Mr. Ajay Behari Sinha, learned counsel for the University informs the Court that earlier the Statutory Committee of the University has determined the entitlement of the petitioner vide Annexure-2, but as per the objection raised by the Pay Verification Cell the University is required to recover Rs.98439/-.

Mr. Singh, learned counsel for the petitioner referring to the judgment of this Court submits that the objection raised by the Pay Verification Cell is absurd and without jurisdiction and held out in numerous cases that the University is required to follow the judgment of this Court in relation to pay fixation by the Statutory Pay Fixation Committee and any departure in the matter of pay fixation on the objection raised by the Pay Verification Cell would amount to gross contempt of the Court. He further submits that the judgment of the Apex Court in the case of **State of Bihar v. Sunny Prakash**, reported in **(2013) 3 SCC 559** is binding on the University as well as State, as the Appeal preferred by the State of Bihar rendered by the Apex Court in the said judgment, the University was also party and as such it was binding on the University as well. He submits that despite repeated direction issued by this Court, the petitioner was not paid in terms of the direction issued by the Apex Court



in Sunny Prakash case (supra).

In view of the above, the writ application is allowed. The respondents are directed to adhere to the determination of the pay fixation made by the Statutory Committee of the University, as contained in Annexure-2. The University is obliged to grant all the benefits available to the petitioner in terms of the judgment of the Apex Court in Sunny Prakash case (supra) and ensure payment of entire dues on the basis of pay fixation as contained in Annexure-2 and the judgment of the Apex Court in Sunny Prakash case (supra) within a maximum period of three months from the date of receipt/production of a copy of this order.

In the event, payment is not made in terms of the judgment of the Apex Court in Sunny Prakash case (supra) and the pay fixation done by the University, as contained in Annexure-2, within the aforesaid period, the petitioner shall be entitled to interest at the rate of 12% per annum from the date of retirement till the date of actual payment, which shall be borne out from the pocket of Vice-chancellor of the University and the Director, Higher Education, Government of Bihar.

The Vice-chancellor of the University and the Director, Higher Education, Government of Bihar are hereby cautioned



that in future if the Court finds that similar attempt is made by them for defying the direction issued by this Court in the matter of pay verification and the pay fixation and non-compliance of the direction issued by the Apex Court in Sunny Prakash case (supra), the Court will fix the personal accountability of the Vice-chancellor of the University as well as the Director, Higher Education, Government of Bihar.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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