

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13351 of 2021

Prof. Arbind Prasad Sinha S/o Late Satya Deo Prasad Singh Resident of
House No. - NY-110, Professors Colony, Janata Road, New Yarpur, Patna-
800001.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Special Secretary Education Department, Govt. of Bihar, Patna.
4. The Vice- Chancellor Magadh University, Bodh Gaya.
5. The Registrar Magadh University, Bodh Gaya.
6. The Finance Officer Magadh University, Bodh Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shree Ganesh, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (GP 17)
For the University	:	Mrs. Nutan Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-12-2022

During the pendency of the present writ application, the sole petitioner died on the 09.09.2021 and an Interlocutory Application bearing IA No. 1 of 2022 has been filed with a prayer to substitute the name of the legal heir of the petitioner, the details of which has been mentioned in paragraph no. 3.

In view of the prayer made on behalf of the learned counsel for the petitioner, the IA No. 1 of 2022 stands allowed.

Heard Mr. Shree Ganesh, learned counsel appearing on behalf of the petitioner, Mrs. Nutan Sahay, learned counsel for the Magadh University and Mr. Kameshwar Kumar, learned GP 17 for the State.



The present writ application has been filed seeking a direction upon the respondent University to rectify the anomaly which arose in fixation of pension to the petitioner under the 7th Pay Revision Scheme as the respondent University has fixed basic pension as Rs. 68,545/- whereas according to the guidelines of the State Government, the basic pension should be Rs. 69,915/-.

The petitioner is relying upon the guidelines issued under the signature of the Special Secretary to the Government vide Memo No. 592 dated 06.03.2019, i.e., Annexure 1 to the writ application.

A counter affidavit has been filed on behalf of the respondent nos. 4 to 6.

Learned counsel for the University by referring to the statements made in the paragraph nos. 4 to 6 of the counter affidavit submits that the calculation made by the petitioner, shown in the writ application is not correct and the fixation @ of Rs. 68,545/- per month in the 7th Pay Scale, as done by the University, is correct and further there is no need to rectify the same.

A reply to the counter affidavit has been filed and the petitioner by harping upon the statements made therein, submits that the respondent University has not made fixation as per the



Government resolution, as contained in Memo No. 592 dated 06.03.2019.

In view of the submissions made on behalf of the learned counsel for the petitioner as well as the University, this Court deems it apt and proper to direct the Registrar, Magadh University, Bodh Gaya to place the claim of the petitioner before the Finance Officer, Magadh University, Bodh Gaya (respondent no. 6), who would be obliged to issue proper notice to the petitioner and after providing opportunity of hearing, the claim of the petitioner would be examined afresh and necessary order shall be passed, in accordance with law, specially in terms of the guidelines of the State, as contained in Memo No. 592 dated 06.03.2019.

It is needless to say that the aforesaid exercise must be completed within a period of 12 weeks from the date of receipt/production of a copy of this order.

Accordingly, the present writ application stands disposed of with the aforesaid observation and direction.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2022.
Transmission Date	NA

