

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15003 of 2015

1. Paras Nath Baitha and Ors S/o Late Nathuni Baitha, Resident of Quarter No.D/36, Near Post Office, RAU, Pusa, District- Samastipur.
2. Rakesh Tripathi, S/o Uma Shankar Tripathi, Resident of NC-2/26, Pusa, District- Samastipur.
3. Dinesh Kumar Singh, S/o Shri Parshuram Singh, Resident of Village P.O.- Mujrarh, P.S.- Grahnokha, District- Rohtas.
4. Amodh Kumar Jha, S/o Late Surendra Mohan Jha, Resident of Village P.O.- Motiah, District- Godda, Jharkhand.
5. Ashok Kumar Sharma, S/o Shri Ram Chandra Ram, Resident of Village P.O.- Dighra, District- Samastipur.
6. Doneshwar Sahu, S/o Late Laldhari Sahu, Resident of Village P.O.- Baghi, District- Samastipur.
7. Satyendra Narayan Sinha, S/o Shri Dharamdeo Prasad Sinha, Resident of Village P.O.- Mujrarh, P.S.- Nokha, District- Rohtas.
8. Ram Kumar Singh, S/o Raj Narayan Singh, Resident of Village P.O.- Ariyoan, P.S.- Krishnabrahm, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Agriculture Production Commissioner, Department of Agriculture, Bihar, Patna.
3. The Vice Chancellor, Rajendra Agricultural University, Pusa, Samastipur.
4. The Director Administration, Rajendra Agricultural University, Pusa, Samastipur.
5. The Registrar, Rajendra Agricultural University, Pusa, Samastipur.
6. The Comptroller, Rajendra Agricultural University, Pusa, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Giri, Adv.
For the State	:	Mr. Gyan Prakash Ojha, GA 7
For the University	:	Mr. Chandra Mohan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 22-02-2023

1. The petitioner has claimed a higher pay scale of 5,000-8,000/- instead of 4,500-7,000/- pointing out that there is



a stark anomaly in the pay scale granted to the employees of the Agricultural Department of the University in comparison to the employees of the Agricultural Department of the State Government. He relies on the letter issued by the Director (Administration) of the University dated 19th September, 2015 addressed to the State Government for removing the said anomaly and prays that this Court may direct the respondents to take steps for removing the said pay anomaly.

2. The question regarding the grant of pay scale of a particular employee is in an exclusive domain of the State Government. If there is any anomaly, as per the Pay Scale Rules the same is required to be examined by the Pay Anomaly Committee. The State Government is required to decide whether the matter should be referred to the Pay Anomaly Committee or not.

3. The writ petition under Article 226 for seeking a mandamus for removing the pay anomaly is not maintainable as it is beyond the scope of judicial review as held by the Supreme Court in **Small Scale Industrial Manufactures Association(Registered) vs. Union of India & Ors.** reported in **2021(8) SCC 511**, wherein the hon'ble Apex Court has held as under:

“59. While considering the aforesaid



submissions/reliefs sought, the scope of judicial review on the policy decisions in the field of economy and/or economic policy decisions and/or the policy decisions having financial implications which affects the economy of the country are required to be considered.

60. In catena of decisions and time and again this Court has considered the limited scope of judicial review in economic policy matters. From various decisions of this Court, this Court has consistently observed and held as under:

60.1. The Court will not debate academic matters or concern itself with intricacies of trade and commerce.

60.2. It is neither within the domain of the courts nor the scope of judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are the courts inclined to strike down a policy at the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical. Wisdom and advisability of economic policy are ordinarily not amenable to judicial review.

60.3. Economic and fiscal regulatory measures are a field where Judges should encroach



upon very warily as Judges are not experts in these matters.”

4. Having noticed the aforesaid judgment this Court holds the present writ petition to be not maintainable in law and requires to be dismissed.

5. At the same time, it is left open for the petitioner to make representation for removing the pay anomaly if any before the State Government, who will be required to examine and decide whether to place it before the Pay Anomaly Committee and take steps accordingly.

6. The writ petition is held to be not maintainable and dismissed accordingly.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 39

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