

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11221 of 2017

Dr. Bijay Kumar Singh S/o Late Deo Narayan Singh, resident of New Professor Colony, Dinkar Nagar, Ward No. 16, P.S.- Begusarai, District-Begusarai, a superannuated employee as Associate Professor in the subject of Economics, S.B.S.S. College, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice- Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, S.B.S.S. College, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.S.C. Mishra-Sc16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 01-05-2023 Heard learned counsel for the parties concerned.

Petitioner has questioned the action of the University regarding non-payment of increment on account of acquiring Ph.D. Degree in view of clause 6 (iv) of the State Government's Notification whereby the UGC package has been accepted with effect from 27.7.98. The second prayer of the petitioner is for grant of DA, HRA and M.A. as per the State Government's notification dated 29.7.2010.

Mr. Shashi Bhushan Singh, learned counsel for the



petitioner submits that the teacher is entitled to two advance increment as per the UGC package accepted by the State as and when she/he acquires the degree in her previous service career.

Learned counsel for the petitioner next submits that admittedly the petitioner has acquired the Ph.D degree with effect from 1.6.1998 but, the respondent/State is denying the benefit of two advance increments with effect from 1.6.1998 and has unnecessarily created a fiction that the petitioner would be given the increment on account of Ph.D decree notionally with effect from 10.6.98 and only actual benefit from 20.5.2010.

Learned counsel referring to judgment of this Court rendered in CWJC No. 15136 of 2010 (Annexure-5) regarding payment of actual benefit arising out of acquiring the Ph.D degree submits that this Hon'ble Court in similar facts and circumstances and relying upon the same UGC package, has directed for payment of benefits arising out of Ph.D degree with effect from the date of acquiring the degree and not notionally. He further submits that there is no dispute regarding the fact that the petitioner has acquired the Ph.D degree in 1998.

With regard to second claim regarding DA, HRA and M.A., learned counsel relied upon the order passed by a co-ordinate Bench of this Court in CWJC No. 2885 of 2016 and



CWJC No. 2315 of 2018 and submits that the claim of the petitioner in this regard is fully covered by the order passed in the aforesaid writ applications.

On the other hand, learned counsel for the University referring to Annexure-D submits that the Director, Higher Education has issued a letter that the Universities are required to be given the benefits arising out of DA, HRA and MA from the date of issuance of the notification and not from 1.1.2006.

I have heard learned counsel for the parties and have gone through the records.

Upon perusal of Annexure-1 which is the acceptance of UGC package by the State Government, it is evident that as per Clause-6 (IV) of the package, a teacher is entitled for two advance increments in his/her service career from the date of acquiring the Ph.D. Degree. The petitioner has acquired the Ph.D degree on 1.6.1998 which has not been disputed by the University. A co-ordinate Bench of this Court in CWJC No. 15136 of 2010 (Supra) has held that the actual benefit on account of acquiring the Ph.D degree is payable with effect from the date of acquiring the degree and not notionally.

Accordingly, I hold that the petitioner is entitled to be given two increments from the date the petitioner has acquired



the Ph.D degree i.e. on 1.6.1998. In so far as the claim of the petitioner for HRA, DA and MA are concerned, the same is disposed of exactly in terms of the order passed by this Court in similar circumstances in CWJC No. 2885 of 2016 and CWJC No. 2315 of 2018.

This writ application is accordingly disposed of.

(Anil Kumar Sinha, J)

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