

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5327 of 2020

Dr. Ganeshwar Pradhan, Son of Late Bisho Pradhan, Near State Welfare Hostel, Ward No. 49, Flat No. -504, Hightek Deep Complex, Ashok Raj Path, Mahendru, District-Patna, Pin Code-800006.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. Director, Higher Education, Education Department, Bihar, Patna.
3. Principal Secretary, Finance Department, Bihar, Patna.
4. Patna University, Patna through its Registrar.
5. Vice Chancellor, Patna University, Patna
6. Registrar, Patna University, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent/s	:	Smt. Shilpa Singh (GA12)
		Mr. Ram Vinay Pd. Singh, AC to GA 12
For the University	:	Mr. Manish Dhari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT

Date : 12-12-2024

1. The petitioner has filed the instant writ petition for the following reliefs:-

“(i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Education Department, Bihar, Patna as well as Patna University, Patna (hereinafter referred to as "the University") to take steps towards removing the anomalies in the matter of revision of salary of the petitioner w.e.f. 01/01/2006 and extend him the benefits of revision of his salary in pay band Rs. 37,400-



67,000/- with grade pay of Rs. 8,700/- w.e.f. 01/01/2006 and accordingly, extend all the consequential benefits;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards making payment of arrears of salary in favour of the petitioner after revising his salary and fixing the same in the pay band of Rs. 37,400-67,000/- with grade pay of Rs. 8,700/-w.e.f. 01/01/2006;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to make payment of interest over and above the amount of arrears of salary as may be found admissible in favour of the petitioner upon revision of the same in the aforesaid pay band of Rs. 37,400- 67,000/- with grade pay of Rs. 8,700/- w.e.f. 01/01/2006;

(iv) Issuance of a declaration holding that the petitioner is entitled for revision of his salary in grade pay of Rs. 37,400-67,000/- with grade pay of Rs. 8,700/-, which was admissible to the Deputy Registrar working in the services of the University, as the pay scale admissible in favour of the Deputy Registrar has all along remained admissible to persons working in the capacity of Budget & Accounts Officer under the University;

(v) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

2. The issue involved in the instant writ petition relates to fixation of salary of the petitioner who is a retired Budget and Accounts Officer of Patna University. He retired from service on attaining the age of superannuation on 31st of



January, 2015.

3. It is the case of the petitioner that he was appointed as Budget and Accounts Officer in the services of the university on 12th of November, 1996. Since the time of his appointment, salary admissible to the post of the Budget and Accounts Officer in the services of the university remaining the same as that of the Registrar of the University which is evident from a letter dated 20th of April, 1976, issued by the concerned authorities under the then Education Department of the State of Bihar to different universities within the State of Bihar in respect of revision of salary of officers working in the services of the university. The said letter demonstrates that the Deputy Registrar of the university was entitled to salary in the pay-scale of Rs. 325-700/- whereas the salary of the Budget and Accounts Officer was in the pay-scale of Rs. 325-950/-. Subsequently, upon implementation of revised pay-scale w.e.f. 1st of April, 1976, salary of the Deputy Registrar was extended in the pay-scale of Rs. 510-1155/-. The same salary was prescribed for the Budget and Accounts Officer of the university. Subsequent, notification relating to revision of salary also manifested that the salary admissible to the post of Budget and Accounts Officer in the services of the university was the same salary payable to a



person working in the capacity of Deputy Registrar. By a notification no. 841, dated 13th of April, 1991 (Annexure 4) and subsequent notification no. 1525, dated 5th of August, 2024, pay-scale of both the Deputy Registrar and the Budget and Accounts Officer were revised in the same scale of pay of Rs. 2000-30800/- and thereafter Rs. 6500-2000-10500/-.

4. It is contended on behalf of the petitioner that the salary of the petitioner has along been extended and he as Budget and Accounts Officer was granted the same benefits of revision of salary as had been admissible to the post of Deputy Registrar and the salary revised and paid for the post of Assistant Registrar was less than the pay-scale of the Deputy Registrar and the Budget and Accounts Officer. Subsequently, by letter no. 586, dated 19th of April, 2006, the Human Resources Development Department, State of Bihar, Patna, the Registrars of the different universities in the State were informed that in terms of provisions contained under the statute, dated 20th of December, 1996, the Seniority and Pay-scale Committee of universities constituted under the Chairmanship of Vice-Chancellor were competent to take decision with respect of fixation of the salary of the Teachers, Officers, and Non-Teaching Employees of the Universities and no instruction is



required to be sought for from the State Government in this regard. By virtue of the said notification, the salary of the petitioner working in the capacity of Budget and Accounts Officer was extended in the pay-scale of Rs. 12000-18000/- w.e.f. 1st of January, 1996 as per the chart released by the university on 22nd of May, 2006. In the meantime on 4th of February, 2006, a letter was issued by the concerned authorities under the then Bihar Inter University Board, Patna containing the drafts statues relating to minimum qualification and pay-scale for different posts of officers under the universities within the State of Bihar, by which the post of Budget and Accounts Officer was shown to be equivalent to that of the Assistant Registrar working in the services of the university within the State of Bihar and accordingly the pay-scale of Rs. 8000-13500/- was so to be admissible to the post of the Budget and Accounts Officer. It is the grievance of the petitioner that the said reduction of pay-scale in contravention of earlier decisions of the State Government as well as the university was arbitrary, illegal and violative of the provisions of Articles 14, 16 and 21 of the Constitution of India.

5. The petitioner also submits that while working as Budget and Accounts Officer in Patna University, the petitioner



was appointed on lien in the capacity of the Finance Officer under the Nilamber and Pitamber University, Palamu, in the State of Jharkhand and accordingly by office order dated 16th of July, 2009, he was relieved from the Budget and Accounts Officer under the university in order to enable him to join the aforesaid Nilamber and Pitamber University, Palamu. The petitioner submitted a representation on 1st of June, 2006 to the concerned authorities in the university and the then Human Resources Development Department, Government of Bihar, Patna to take necessary step towards making correction in the proposal for equivalence of posts as well as admissibility of salary at par with the Deputy Registrar but not action was taken by the respondents.

6. On the contrary, a resolution was taken on 27th of August, 2010 by the Human Resources Development Department, holding, inter alia, that the post of Budget and Accounts Officer equivalent to that of the Assistant Registrar and revision of salary was proposed to be made in pay-band 2 at the rate of Rs. 9300-34800/- with grade-pay of Rs. 4200/-. On the contrary, the salary of the Deputy Registrar was extended in pay-band of Rs. 15600-39100/- with grade-pay of Rs. 7600 and upon completion of 5 years of service, he was entitled for being



extended but benefits of revision of salary in pay-band of Rs. 37400-67000/- with grade-pay of Rs. 8700/-.

7. The petitioner further states that in spite of his representation and communication of grievances on the issue of revision of pay and salary, authorities under the university and the State Government did not take any action which compelled him to file a writ petition before this Court bearing C.W.J.C. No. 17341 of 2013 for appropriate relief. The said writ petition was disposed of by an order dated 16th of September, 2013, granting liberty to the petitioner to file a self-contained representation before one Mr. V. S. Dubey, University Teachers and Non-Teaching Employees Arrears of Salary Payment Committee constituted for determining the entitlement of the employees of different universities within the State of Bihar. The Committee was directed to pass a reasoned order in respect of arrears of salary payable to the petitioner within a period of 3 months. The petitioner, accordingly, submitted his representation claiming revision of salary in the pay-band of Rs. 37400-67000/- with grade-pay of Rs. 8700. Upon hearing and considering the representation filed by the petitioner Mr. V.S. Dubey Committee issued letters to the concerned authorities under the Education Department in the State Government to participate in the hearing



for determination of revision of pay-scale of the petitioner but the Education Department in the State Government did not take any action. They also did not appear before the said Mr. V.S. Dubey Committee.

8. Under such circumstances, the Member Secretary of above-mentioned Committee issued a letter on 31st of March, 2014 to the Registrar of the university directing him to take steps towards making payment of all admissible dues/arrears as may be found to be payable in favour of the petitioner by 10th of April, 2013 and in the meantime, if necessary, amendment was made by the State Government towards the pay-scale in favour of the petitioner, the additional amount be paid to him subsequently. When the State Government and University Authority refused and neglected to comply with the direction issued vide a letter dated 31st of March, 2014, the petitioner was compelled to file a contempt petition which was registered as MJC No. 4404 of 2014, alleging, willful and deliberate disobedience by the respondents in complying the order dated 16th September, 2013, passed by this Court in C.W.J.C. No. 17341 of 2013. In the meantime, the petitioner retired from service of the university upon attaining the age of superannuation on 31st of January, 2015. In spite of his



retirement, the petitioner was not granted his due benefits as alleged.

9. It is further stated by the petitioner that in the meantime, the contempt petition bearing MJC No. 4404 of 2014 was disposed of by an order dated 2nd of April, 2019, giving liberty to the petitioner to raise the issue of pay fixation / pay-scale / grade-pay in accordance with law before the appropriate forum. Therefore, the petitioner has filed the instant writ petition claiming specific relief regarding revision of pay-scale.

10. The Registrar, Patna University has filed a counter affidavit on behalf of the Respondent Nos. 4 to 6, stating, inter alia, that the pay-scale of the petitioner was finally revised in the scale of pay of Rs. 15600-39100/- with grade-pay of Rs. 5400/- vide a notification bearing memo no. 1171 dated 26th of August, 2017, in compliance with the order dated 16th of September, 2013, passed by this Court in C.W.J.C. No. 17341 of 2013 and MJC No. 4404 of 2014. The petitioner was paid a salary of Rs. 9,09,557/- only as difference of pay from April, 2007 to January, 2015, vide a Advice No. 1239 dated 18th of December, 2017. He was also paid the difference amount of leave encashment after his retirement.

11. It is contended on behalf of the contesting



respondents that the claim of the petitioner to grant the benefit of revision of his salary in the pay-band of Rs. 37400-67000 with grade-pay of Rs. 8700/- w.e.f 1st of January, 2006 along with the consequential benefits at par with Deputy Registrar is not admissible because of the fact that the State Government vide SANKALP dated 6th of March, 2019 has sanctioned pay-band of Rs. 9300-34800/- with grade-pay of Rs. 5400/- in level 9 and the petitioner is not entitled to get the said pay-scale.

12. It is also contended on behalf of the respondents that in pursuance of Section 35 of the Patna University Act, 1976, only the State Government is empowered to sanction the pay-scale or to remove the anomaly in respect of pay and emoluments and the university has already requested the State Government vide letter dated 14th of February, 2014 to remove the anomaly of pay of the petitioner. Therefore, at this stage, the university authority has nothing to do in respect of revision of salary of the petitioner.

13. Subsequently, on 11th of December, 2024, a supplementary counter affidavit has been filed on behalf of the Respondent Nos. 1 and 2 duly affirmed by the Deputy Secretary, Education Department, Government of Bihar.

14. It is contended on behalf of the State-Respondents



that the post of Registrar, Deputy Registrar, Assistant Registrar etc., are posts in administrative side of the university whereas post of Financial Advisor, Finance Officer and Budget and Accounts Officer are posts in financial and audit section. The said posts are not equivalent to the post of Deputy Registrar. Initially the pay-scale of Budget and Accounts Officer was equivalent to the pay-scale of the Deputy Registrar but subsequently, the pay-scale was fixed differently due to the fact that the Budget and Accounts Officer is not entitled to get the similar pay-scale with that of an administrative officer of the university. So the Ministry of Human Resources Development Department, Government of India revised the pay-scale of officer of the university w.e.f. 1st of January, 2006, in the pay-scale as per the following chart:-

Sl. No.	Post	Pay Scale
1	Registrar/ Finance Officer/Controller of Examination	Rs. 37400-67000 Grade Pay- 10000
2	Registrar/ Deputy Finance Officer/ Deputy Controller of Examination	Rs. 15600-39100 Grade Pay- 7600
3	Assistant Registrar/ Assistant Finance Officer/ Assistant Controller of Examination	Rs. 15600- 39100 Grade Pay - 5400

15. It is also stated on behalf of the State-Respondents



that as per Section 7, 12(A) and 16 of the Bihar State Universities Act, in Finance and Accounts section of the university, the hierarchy post of officers are as follows:-

- (i) Financial Advisor
- (ii) Finance Officers
- (iii) Such other persons as may be declared officer by the statutes.

16. The State Government vide its resolution no. 2693 dated 26th of August, 2010 revised the pay-scale of the officers and non-teaching employees of the university and constituent colleges of Bihar. The officers of the university has been granted pay-scale w.e.f. 1st of January, 2006.

17. Equivalent posts of the officers of finance and audit section in the university as per U.G.C. and Bihar State Universities Act are as follows:-

UGC	As per Bihar State Universities Act
Finance Officer	Financial Advisor
Finance Officer	Finance Officer
Assistant Finance Officer	Budget and Account Officer (designated as Assistant Finance Officer)

18. Therefore, it is contended on behalf of the



respondents that pay-scale of the Budget and Account Officer was revised in pay-band of Rs. 9300-34800/- with grade-pay of Rs. 4200 and if he is having qualification equivalent to Assistant Registrar as per the U.G.C., his pay-scale will be in pay-band of Rs. 15600-39100/- with grade-pay of Rs. 5400/-. As the post of the petitioner was not equivalent of Deputy Registrar, his pay-scale was rightly revised and he is not entitled to get enhanced pay-scale equivalent to the Deputy Registrar. So, the State-Respondents have prayed for dismissal of the writ petition.

19. I have heard learned counsels for the petitioner and the learned contesting respondents.

20. I have also perused the writ petition, counter affidavits and documents filed by the contesting parties in support of their respective cases.

21. Indisputably, there was no anomaly with regard to the scale of pay of the petitioner as Budget and Accounts Officer prior to 1st of January, 2006. The petitioner filed the previous writ petition and the present one for removing the anomalies in the matter of revision of salary of the petitioner w.e.f. 1st of January, 2006 and extend him the benefit of revision of his salary in the pay-band of Rs. 37400-67000/- with grade-pay of Rs. 8700 w.e.f. 1st of January, 2006 along with all



consequential benefits.

22. The H.R.D. Department, Government of Bihar issued “Notification No. 15/D 1-01 90 Part II H.E. 2693 dated 27th of August, 2010, directing revision of pay-scale in respect of non-teaching employees and officers of the universities and constituent colleges, Annexure 1 of the said executive instruction states the revision of pay-scale as follows:

अनुसूची-I

बिहार राज्य के विश्वविद्यालयों एवं अंगीभूत तथा घाटानुदानित अल्पसंख्यक महाविद्यालयों के शिक्षकेत्तर पदाधिकारियों एवं शिक्षकेत्तर कर्मियों के लिए (स्वीकृत पदों के विरुद्ध) अनुशंसित दिनांक 1.1.2006 से पुनरीक्षित वेतन संरचना का वेतन बैंड एवं ग्रेड पे तालिका

क्र० पद का नाम सं०	1.1.96 से अपुनरीक्षित दिनांक वेतनमान	1.1.06 से पुनरीक्षित वेतन संरचना	अभ्युक्ति
	वेतन पे बैंड बैंड का नाम	ग्रेड पे	
2. उप कुल सचिव एवं समतुल्य पद	6500-10500	9300-34800	पी0 बी0 - 4200 - 2
			यू० जी० सी० द्वारा निर्धारित अर्हता एवं शर्तों को पूरा करने पर विश्वविद्यालय सेलेक्शन कमिटी की अनुशंसा पर वेतन बैंड 15600-39100 ग्रेड पे 7600 अनुमान्य। उप कुलसचिव को पाँच वर्षों तक की संतोषप्रद सेवावधि पूरा करने पर 37400 -67000 ग्रेड पे- 8700 में उत्क्रमित हो सकेंगे। पर यह पे बैंड एवं ग्रेड पे उप कुलसचिवों एवं समतुल्य पदों की कुल संख्या के दस प्रतिशत तक सीमित रहेगा।

(ख) विश्वविद्यालय वित्त एवं अंकेक्षण विभाग

3. बजट-सह- लेखा पदाधिकारी सहायक वित्त पदाधिकारी के रूप में नामित)	6500-10500	9300-34800	पी0 बी0 - 4200 - 2
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सहायक कुल सचिव के समतुल्य पद।
सहायक कुलसचिव के
लिए निर्धारित अर्हता एवं शर्तों
के अनुरूप यू० जी० सी० वेतनमान अनुमान्य ।

23. Revision of pay-scale of an employee in higher grade of pay is the exclusive function and duty of the State Government and aggrieved employee cannot claim revision of pay on the ground that the pay-scale was revised to a pay-scale of the concerned post which the employee holds was revised at the rate of less than what he deserved. The HRD Department, Government of Bihar, vide above-stated notification revised the pay-scale of the petitioner in the scale of pay equivalent to the Assistant Registrar. It is true that previously the scale of pay of Budget and Accounts Officer was at par with Deputy Registrar. However, this does not give the employee an indispensable right that in future his pay-scale would be revised in the scale of Deputy Registrar only. If the concerned authority on due consideration of the fact changes the pay-scale, the employee will have no other alternative but to accept the same.

24. In the previous writ petition bearing C.W.J.C. No. 17431 of 2013, the respondents authority directed to consider the representation of the petitioner on the basis of the opinion of Mr. V.S. Dubey Committee. The respondents considered the said opinion and revised the pay-scale w.e.f. 1st of January, 2006.



Such administrative decision without specific allegation of arbitrariness, unequal treatment in respect of pay in spite of equal work and patent illegality, cannot be challenged. The work carried out by the Deputy Registrar and the Budget and Account Officer are completely different. While the Deputy Registrar discharges administrative duties of the university, the Finance Officer shall act as Secretary to the Finance Committee and shall exercise such power and performs such duties as may be prescribed by the statutes, the ordinance and regulations and rules or as may, from time to time be confirmed or imposed on him by the Senate, Syndicate, Vice-Chancellor, the Financial Advisor or the Registrar. Therefore, the scope of work of the Deputy Registrar and Budget and Account Officer are different.

25. Considering such aspect of the matter if during revision of pay w.e.f. 1st of January, 2006, the concerned authorities in the State Government revises the pay-scale of the Budget and Account Officer in the pay-scale, different from Deputy Registrar, such decision is not amenable to writ jurisdiction.

26. For the reasons stated above, I do not find any merit in the instant writ petition and accordingly the writ petition is dismissed on contest.



27. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

Skm/-uttam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.12.2025
Transmission Date	N/A

