

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9285 of 2015

1. Ashutosh Partheshwar Son of Sri Ramanuj Singh, resident of Mohalla-Bhagwati Colony, Hajipur, Vaishali, P.S.- Hajipur, District- Vaishali.
2. Md. Iqbaluz Zafar, Son of Md. Sahabuddin Ahmad, Resident of Mohalla-New Ajimabad Colony, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Secretary, Department of Education Government of Bihar, New Secretariat, Patna.
4. The Director Department of Education, Higher Education, Government of Bihar, New Secretariat, Patna.
5. The Magadh University through its Registrar, Bodh Gaya, Gaya.
6. The Vice-Chancellor, Magadh University, Bodh Gaya, Gaya.
7. The Registrar Magadh University, Bodh Gaya, Gaya.
8. The Governing Body, Oriental College, Patna City through its Secretary.
9. The Principal Oriental College, Patna City.
10. The Patliputra University through its Registrar.
11. The Vice Chancellor, Patliputra University, Patna.
12. The Registrar, Patliputra University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Virendra Prasad, Advocate
For the Respondent/s	:	Mr.Gp32
		Mr. Rana Vikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 06-08-2024

1. The petitioners have filed the present writ application for grant of benefit of three advanced increment pursuant to the scheme of the Government of India & U.G.C. on the ground that petitioners obtained Ph.D. degree during service period.



2. The petitioner no. 1 was appointed as Lecturer in the Department of Hindi, Oriental College, Patna City on 26.04.2007 and the petitioner no. 2 was appointed as Lecturer in the Department of Mathematics, Oriental College, Patna City on 26.04.2007.

3. Learned counsel for the petitioners submits that Government of India, Ministry of Human Resources Development Department came out with a scheme on 31.12.2008 regarding revision of pay of teachers and equivalent cadres in Universities and Colleges on the recommendation of the 6th Central Pay Commission. Clause 7 of the Government decision deals with incentives for Ph.D. / M.Phil. Sub-clause (iv) of Clause 7 says that teachers who complete their Ph.D. degree while in service shall be entitled to three non-compounded increments if such Ph.D. is in the relevant discipline and has been awarded by a University complying with the process prescribed by the U.G.C. for enrollment, course-work and evaluation etc.

4. The case of petitioners is that they have completed their Ph.D. as per the norms prescribed by the U.G.C. and complied with the requirement of registration, submission of thesis, viva-voce etc.



5. In pursuance of the Government Resolution dated 31.12.2008 the U.G.C. came out with regulations on 30th June, 2010 and regulation 9.0 deals with incentives for Ph.D. / M.Phil. and other higher qualification to be applicable w.e.f. 01.09.2008. 9.4(i) of the said notification says that teachers who complete their Ph.D. degree while in service shall be entitled to three non-compounded increments if such Ph.D. is in a relevant discipline of the discipline of employment and has been awarded by a University complying with the process prescribed by the U.G.C. for enrolment, course work, evaluation etc. It is the case of the petitioners that they have completed the Ph.D. in their respective subjects of Hindi and Mathematics.

6. Learned counsel further placed the notification of the Government of India dated 4th May, 2016 in which five criteria for grant of Ph.D. has been prescribed, which are as follows:-

(a) The Ph.D. degree of the candidate has been awarded in regular mode.

(b) The Ph.D. thesis has been evaluated by at least two external examiners;

(c) An open Ph.D. viva-voce of the candidate has been conducted.

(d) The candidate has published two research papers from his / her Ph.D. work, out of which at least one must be in referred journal

(e) The candidate has presented at least two papers based on his / her Ph.D. work in conferences / seminars



based on his PhD work.

7. The notification further prescribes that the aforesaid requirements from (a) to (e) shall stand complied on the basis of the certificate issued by the Vice-Chancellor/Pro-Vice Chancellor / Head of Department University / Dean of the Faculty.

8. In the light of the aforesaid notification, the Government of Bihar also came out with a Circular dated 03.02.2021 incorporating similar conditions for entitlement of 3 / 5 advance increments on the basis of acquiring Ph.D. degree in terms of five criteria mentioned in the Circular of the Government of India.

9. Learned counsel for the petitioners relied upon Annexure-16 of the supplementary affidavit which is the Certificate of Ph.D. in order to show that all the five criteria mentioned in the Government notification and the Circular of the State Government has been complied while granting Ph.D. degree by the Babasaheb Bhimrao Ambedkar Bihar University in favour of the petitioner no. 1.

10. Insofar as the petitioner no. 2 is concerned, learned counsel submits that Ph.D. Certificate has not yet been granted to him and his case may be considered after submission of Ph.D.



Certificate in terms of the Circular of the University / State Government.

11. Learned counsel for the University as well as the State jointly submit that if the petitioners fulfill the criteria as prescribed in the Circular / Notification of the Government of India / U.G.C. / and State Government, the petitioners' case may be considered for grant of three advanced increments.

12. Upon hearing rival submission of the parties and perusal of the relevant provisions, it appears that for in service teachers three advanced increment is admissible after completion of Ph.D. degree in terms of the criteria mentioned in the Notification of the U.G.C. / Government of India / Circular of the State Government.

13. Annexure-16 produced by the petitioner no. 1 shows that Ph.D. Certificate has been granted by the competent authority as prescribed in the amended notification of the Government of India dated 4th May, 2016 after having fulfilled all the five criteria mentioned in the Government of India notification as well the U.G.C. notification.

14. Accordingly, I come to the conclusion that the petitioner no. 1 is entitled for three advance increment as per the scheme of the U.G.C. / Government of India / State of Bihar.



15. In the result, the respondent / University and State are directed to pay non-cumulative three advance increment to the petitioner no. 1 in terms of the U.G.C. scheme with effect from the date of award of PhD degree i.e. 09.01.2010.

16. Necessary arrears along with monetary benefit must be paid to the petitioner no. 1 within a period of three months from the date of receipt / production of a copy of this order.

17. Insofar the claim of the petitioner no. 2 is concerned, the respondent shall decide the claim of the petitioner no. 2 after the certificate of Ph.D. is submitted by the petitioner no. 2 before the Vice- Chancellor and if the Vice- Chancellor is satisfied that the petitioner no. 2 has completed the Ph.D. after following the norms prescribed under the U.G.C. scheme, he shall forward the claim of the petitioner no. 2 before the State Government for payment of three advance increment.

18. With the aforesaid observation and direction, the application is disposed of.

(Anil Kumar Sinha, J)

praful/-AFR

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	09-08-2024
Transmission Date	NA

