

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21494 of 2011

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Manoj Kumar Roy Son of Late Bahadur Roy Resident of Mohalla-75
Kautilya Nagar, P.O.- B.V. College, P.S.- Airport, District- Patna At Present
Posted As Law Officer, Rajendra Agriculture University, Pusa, Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Agricultural Production Commissioner, Government of Bihar, Patna.
2. The Rajendra Agriculture University, Bihar, Pusa, Samastipur through its Registrar.
3. The Vice Chancellor, Rajendra Agriculture University, Bihar, Pusa, Samastipur.
4. The Registrar, Rajendra Agriculture University, Bihar, Pusa, Samastipur.
5. Assistant Director Administration, Rajendra Agriculture University, Bihar, Pusa, Samastipur.
6. Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur through its Registrar.
7. The Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur.
8. The Registrar, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri
For the Respondent/s	:	Mr. Sita Ram Yadav (Gp16)
	:	Mr. Rakesh Kumar Shrivastava (Ac to Gp16)
For the University	:	Mr. Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

25 16-07-2024 1. The petitioner has filed the present writ application challenging the order dated 11.07.2011 passed by respondent no. 3 (Vice-Chancellor) by which the claim of the petitioner for grant of pay scale of Rs.10,000 – Rs.15,200/- and grant of consequential relief has been rejected. The petitioner has also prayed for consequential



benefits pursuant to grant of scale of Rs.10,000 – Rs.15,200/-.

2. As per the claim of the petitioner, he was appointed in the year 1983 in the pay scale of Rs.1,000 – Rs.1,820/- on an isolated post of Law Officer in the then “Rajendra Agriculture University” now “Dr. Rajendra Prasad Central Agricultural University”. One Mr. Davashish Dutta was also appointed on an isolated post of Press Manager in the same pay scale of Rs.1,000 – Rs.1,820/-. The pay scale of petitioner as well as Devasish Dutta was revised to Rs.2,200 – Rs.4,000/- w.e.f. 01.01.1986. Mr. Devasish Dutta was allowed first time bound promotion from 06.07.1992 in the pay scale of Rs.3,000 – Rs.4,500/-. Likewise the petitioner was also granted first time bound promotion of 1993 in the same pay scale of Rs.3,000 – Rs.4,500/-. The petitioner as well as Mr. Dutta who were working in the pay scale of Rs.3,000 – Rs.4,500/-, their pay scale was revised to Rs.6,500 – Rs.10,500/- w.e.f. 01.01.1996. However, Mr. Dutta claimed pay scale of Rs.10,000 – Rs.15,200/- which led to filing of a writ application by Mr. Dutta before this Court in C.W.J.C. No. 1193 of 2004.



3. By order, dated 02.11.2004, this Court directed the University to take the final decision with regard to the claim of Mr. Dutta within stipulated time. In pursuance thereof, Mr. Dutta filed a representation before the erstwhile Rajendra Agricultural University and after considering the representation of Mr. Dutta, the University passed a reasoned order, dated 25.08.2005, and allowed the pay scale of Rs.10,000 – Rs.15,200/- provisionally to Mr. Dutta. The State Government granted retrospective approval to the pay scale of Rs.10,000 – Rs.15,200/- to Mr. Dutta *vide* its letter, dated 22.02.2007.
4. The petitioner has claimed parity with Mr. Dutta on the ground that both were appointed on an isolated post having the same pay scale which was revised from time to time but adopting discriminatory attitude, the University has approved the pay scale of Rs.10,000 – Rs.15,200/- to Mr. Dutta whereas the same scale has been denied to the petitioner. The petitioner, in the circumstances, filed a writ application before this Court bearing C.W.J.C. No. 5300 of 2010 (*Annexure 10*) and a Co-ordinate Bench of this Court *vide* its order, dated 01.03.2011, directed the Vice-Chancellor of the University to decide the matter



regarding the pay scale of Rs.10,000 – Rs.15,200/- claimed by the petitioner by giving a personal hearing to him and allowing him to produce the necessary documents. The petitioner submitted his detailed representation before the Vice-Chancellor and the learned Vice-Chancellor *vide* impugned order, dated 11.07.2011, rejected the claim of the petitioner for grant of similar scale of Rs.10,000 – Rs.15,200/- which has been sanctioned by the State Government for Mr. Devashish Dutta whereas there is no sanctioned scale for the post of Law Officer which is being held by the petitioner.

5. Mr. Raju Giri, learned counsel appearing for the petitioner submitted that the learned Vice-Chancellor did not considered the relevant facts and the materials brought on record by the petitioner inasmuch as the petitioner was also appointed on an isolated post of Law Officer i.e., in the same manner the co-employee, Mr. Devasish Dutta, was appointed as Press Manager on an isolated post. The petitioner as well as Mr. Dutta were allowed the same scale and were granted time bound promotion in the pay scale of Rs.3,000 – Rs.4,500/- in the same manner. Thereafter, the University granted replacement scale to



Mr. Dutta at Rs.6,500 – Rs.10,500/- as well to the petitioner. Mr. Dutta filed a writ petition before this Court claiming the pay scale of Rs.10,000 – Rs.15,200/- which was allowed by the University as well as the State Government and Mr. Dutta is being paid the enhanced pay scale of Rs.10,000 – Rs.15,200/-. Denial of same pay scale of Rs.10,000 – Rs.15,200/- to the petitioner is arbitrary and discriminatory. The reason given in the impugned order by learned Vice-Chancellor that the scale was sanctioned by the State Government for Press Manager is preposterous inasmuch as the pay scale of Rs.6,500 – Rs.10,000/- was also given to Mr. Dutta and on complaint being made by Mr. Dutta by filing a writ petition, the Vice-Chancellor decided the pay scale of Rs.10,000 – Rs.15,200/- for Mr. Dutta and the scale was approved by the State Government. In the similar manner, the petitioner approached this Court but his claim for the same scale has been rejected by the impugned order.

6. On the other hand, learned counsel for the State submits that the post of Press Manager and Law Officer have no similarity in respect of nature of job and basic pay. The post of Press Manager was carrying the pay scale of



Rs.3,000 – Rs.4,500/- prior to revision dated 01.01.1996 and that was latter on revised in the pay scale of Rs.10,000 – Rs.15,200/- upon approval of the State Government, as per Section 25 Sub Clause 2 of the Rajendra Agricultural Universities Act. The petitioner was holding the post of Law Officer in the pay scale of Rs.2,200 – Rs.4,000/- and the same was revised in the scale of Rs.6,500 – Rs. 10,000/- upon recommendation by the State Government vide resolution no. 3046 dated 11.07.2003.

7. On the other hand, learned counsel for the Dr. Rajendra Prasad Central Agricultural University submitted that there was recommendation of the Board of Management for grant of scale of Rs.2,200 – Rs.4,000/- to Law Officer and further Rs. 3,000 – Rs. 4,500/- in the revised scale.
8. I have heard respective submissions of the learned counsel appearing for the parties. The claim of the petitioner seeking parity with Mr. Devashish Dutta who was also holding the isolated post as Press Manager and was receiving the same scale as that of the petitioner is for grant of same pay scale of Rs.10,000 – Rs.15,200/- as has been granted by the University and State Government



in favour of Mr. Dutta. From the facts of the case, it transpires that both Mr. Dutta as well as the petitioner were appointed on the same pay scale on the isolated post of Press Manager and Law Officer respectively. The scales granted to them were revised from time to time and the similar pay scale were being given to the petitioner and Mr. Dutta up till the revision of Rs. 6,500 – Rs. 10,200/-. Both petitioner and Mr. Dutta filed a writ petition being aggrieved by the grant of the scale of Rs. 6,500 – Rs. 10,200/- however, the University and the State Government granted the scale of Rs. 10,000 – Rs. 15,200/- to Mr. Dutta. But the same has been denied to the petitioner on the ground that pay scale of Rs.10,000 – Rs.15,200/- for Mr. Dutta has been sanctioned by the State Government.

9. The respondent/University as well as the State Government has failed to produce any material to show the rational behind grant of higher pay scale of Rs. 10,000 – Rs. 15,200/- to Mr. Dutta denying the same to the petitioner. The petitioner was getting the same scale as that of the scale being given to Mr. Dutta for fairly long period of time and at last he has been denied the



scale as was allowed to Mr. Dutta. Accordingly, in my opinion, the action of the respondent/State as well as University are discriminatory, arbitrary and unreasonable.

10. In the result, the impugned order, dated 11.07.2011 as contained in memo no. 706, dated 11.07.2011, passed by the Vice-Chancellor is set aside. The University is directed to grant scale of Rs. 10,000 – Rs. 15,200/- to the petitioner with all consequential and monetary benefits with effect from the date Mr. Devashish Dutta has been granted the same scale. At the same time respondent/State is directed to approve the scale of Rs. 10,000 – Rs. 15,200/- to the petitioner in the same manner the approval has been granted to Mr. Dutta.

11. Accordingly, this writ application is allowed with the aforesaid direction.

(Anil Kumar Sinha, J)

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