

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5481 of 2016**

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1. Rakesh Kumar and Anr Son of Sri Girijanandan Prasad, Resident of village and P.O. Chhpkahia, P.S.- Gobindganj, District- East Champaran
  2. Md. Raghbir Azam, son of Late Md. Habibur Rahman, Resident of Mohalla-Shantipur, Motihari Town, P.S.- Motihari, Dist. East Champaran
- ... .. Petitioner/s

Versus

1. The Babasaheb Bhimrao Ambedkar University and Ors null null
  2. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
  3. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
  4. The Principal, Munshi Singh Law College, Motihari, East Champaran
  5. The Prof. in-charge, Munshi Singh Law College, Motihari, East Champaran
- ... .. Respondent/s
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**Appearance :**

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| For the Petitioner/s         | : | Mr. Raj Kumar         |
|                              | : | Mr. Rohit Kumar       |
| For the Respondent/s         | : | Mr. Santosh Kumar Jha |
| For the BRA Bihar University | : | Mr. Anil Singh        |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 4      30-04-2024      1. The petitioners have filed the present writ application seeking remuneration at the rate of Rs. 1,000/- per class as per the resolution of the State Government dated 26.05.2014 at Annexure 5. The petitioners were appointed in M.S. Law College, East Champaran, Motihari which is constituent unit under the Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur in the year 2006 as a part time teacher on the remuneration of Rs. 150/- per class subject to the maximum of Rs. 4,950/- in a month. The remuneration for the part time teacher was increased in



2012 and Rs. 250/- per class with maximum of Rs. 8,000/- per month was fixed *vide* officer order dated 23.01.2012.

2. Learned counsel for the petitioners submits that *vide* memo, dated 03.02.2014, issued under the signature of Joint Secretary of the Education Department, a resolution has been taken by the Government for revising remuneration of the part time teacher at the rate of Rs. 1,000/- per class subject to maximum of Rs. 25,000/- per month. He further submits that the petitioners worked upto 2018 till the regular appointment was made, as such, the petitioners are entitled for higher remuneration of Rs. 1,000/- with effect from coming into force the resolution, dated 26.05.2024. The petitioners are having requisite qualification and they have done L.L.M. The petitioner no. 1 has completed his L.L.M. in the year 2013 and petitioner no. 2 completed the same in 2011.
3. Per contra, learned counsel for the University submits that the resolution of the State Government at Annexure 5 prescribes minimum qualification for appointment of part time teacher on the basis of the U.G.C. Circular, dated 05.02.2010, and the statute 49/50 of the Chancellor, dated



29.06.2005. He placed the U.G.C. letter dated 05.02.2010 to submit that the qualification prescribed for appointment of teacher in law is master degree with NET/SET or equivalent test accredited by U.G.C. He also placed statute 49 dated 29.06.2005 and submitted that minimum qualification for appointment of part time teachers is the same as that of the regular teachers. Referring to Statute No. 50 dated 29.06.2005, it is submitted that the minimum qualification for appointment of teachers in university and colleges, pertaining to other subjects including the law is good academic record with at least 55% marks at the masters degree level in the subject besides the candidate should have cleared the eligibility test N.E.T. for lecturers conducted by U.G.C., C.S.I.R. or similar tests accredited by the U.G.C. The petitioners are not having the minimum qualification of NET as prescribed in the UGC Circular as well as the statute meant for appointment of teachers as aforesaid, as such, the resolution dated 26.05.2014 at Annexure 5 is of no help to the petitioners and the petitioners are not entitled for grant of higher remuneration of Rs. 1,000/- per class.



4. I have heard learned counsel for the parties and have gone through the materials on record including the resolution at Annexure 5 which is the seat anchor of the case of the petitioners. Upon perusal of Annexure 5, it appears that minimum qualification as prescribed by the UGC and the statute of Hon'ble Chancellor for the part time teacher is master degree + NET/SET etc. Admittedly, the petitioners are not having the minimum qualification of NET/SET and other eligibility test accredited by the UGC. The resolution of the State Government for grant of higher remuneration has been made subject to fulfilling the minimum eligibility for appointment on the post of Assistant Professor. Since the petitioners are not having the minimum qualification, they are not entitled for enhanced remuneration at Rs. 1,000/- per class starting from 2014.
5. Accordingly, the present writ application is dismissed with the aforesaid observation.

**(Anil Kumar Sinha, J)**

HarshPandey/-

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