

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7847 of 2011

SATYENDRA NARAIN SINGH @ Satendra Prasad, S/o Late Satya Narayan Singh, Resident of Village & P.O. - Suitha, P.S. - Parsabazar, District – Patna presently posted as Laboratory Bearer, Department of Physics, B.N. College, Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Vice Chancellor, Patna University, Patna
3. The Registrar, Patna University, Patna
4. The Principal, B.N. College, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar No. 1
For the Respondent/s	:	Mr. Mahtab Alam, AC to SC 20
For Patna University	:	Mr. Digvijay Singh, Advocate Mr. B.J. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 29-04-2024 1. The petitioner has filed the present writ application being aggrieved by grant of scale and fixation of pay by the University / State pursuant to the direction of this Court in C.W.J.C. No. 7849 of 1989 dated 03.09.1993.

2. Learned counsel for the petitioner submits that *vide* Annexure- 3 the Principal, Bihar College of Engineering, Patna had fixed the pay of the petitioner in the scale of Rs. 825-15-900-20-1200/- starting from 22.08.1989 @ initial scale of pay of Rs. 825/- and on 31.01.1994 i.e. on the date of appointment of the petitioner as Lab Assistant / Lab Bearer the pay fixed by the Principal of Bihar College of Engineering was Rs. 885/-. But the State Government in its Higher Education Department,



Government of Bihar has reduced the pay of the petitioner from Rs. 885/- to Rs. 825/- with effect from 31.01.1994 in the pay scale of Rs. 825-1200/- in violation of the judgment of this Court.

3. Learned counsel for the University as well as State jointly submit that the judgment of this Court dated 03.09.1993 directed the University to offer appointment to the petitioners against the posts for which they were recommended by the Selection Committee and the petitioners would receive their wages from the date of their appointment but their seniority would be reckoned from the date of impugned notification dated 22.08.1989.

4. Admittedly the petitioner was appointed with effect from 31.01.1994 as such the fixation of pay by the Principal of the College w.e.f. 22.08.1989 was not correct which has been rectified by the State Government and it fixed the pay of the petitioner in the scale of Rs. 825-1200/- w.e.f. 31.01.1994 i.e. date of appointment of the petitioner.

5. Having heard learned counsel for the parties and taking into consideration the materials on record, I find that the petitioner was appointed as a Lab Bearer / Lab Assistant on 31.01.1994 in the pay scale of Rs. 825-1200/- and as per the



order of this Court passed in CWJC No. 7849 of 1989 (Supra) the petitioner was to be paid his wages from the date of his appointment and not from 22.08.1989. The date of 22.08.1989 has to be reckoned for the purpose of seniority of the petitioner and not for the payment of increment as well as wages. The State Government has rightly fixed the pay of the petitioner in the scale of Rs. 825-1200/- which was the scale applicable for that post as on 31.01.1994.

6. I do not find any merit in this application. Accordingly, the same is dismissed.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

