

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10994 of 2016

1. Chandeshwar Prasad Rai and Ors son of Tulsi Prasad Rai resident of Village-Pathkhali, P.O. Pathkhali P.S. Katya, District Gopalganj, Presently Posted as JRA, Sugar Cane Research Institute, PUSA, RAU Pusa
2. Bishwamitra Sinha son of Sri Rajendra Prasad Resident of Village-Panchsil Nagar P.S. Barh District Patna Presently Posted as A.I. S.R.I. Pusa Ray, Samastipur
3. Arun Kumar son of Late Satrugan Thakur Presently Posted as Sr. Technical Assistant Rajendra Agricultural Univer
4. Sanjay Kumar Choudhary Son of Late B.P. Choudhary resident of Ranchi Jharkhandi Behind Ranchi College Ranchi 8, Presently Posted as STA at Collage of Agricultural Engineering Rau, Pusa, Samastipur
5. Shewanti Nathulal Kashyap wife of Mahesh Prasad Choudhary resident of Mian Road, Murhu, P.S. Murhu, District Khunti, Jharkhand
6. Mahesh Prasad Rai Son of Late Nand Kishore Roy Resident of Village-Sahuri P.S. Pusa, Via Pusa, District Samastipur, Presently Posted as Senior Technical Assistant Home Science College, Rajendra Agriculture University Pusa, Samastipur
7. Rakesh Kumar Son of Late Dr, N. P. Sinha resident of Mohalla- Kashichak, Samastipur Posted as Technical Assistant, at Faculty of Basic Science and Humanities RAU Pusa
8. Reeta Mehta Wife of Deepak Mehta resident of 95 Saket Colony Lanka, Near Sankat Mochan Mandir Varanasi, Presently Posted as Senior Technical Assistant Home Science College, Rajendra Agriculture University Pusa, Samastipur
9. Renu Kumari wife of Dr. Ramesh Kumar Rai resident of Kailash Dham Road, Aadampur, Bhagalpur, Presently Posted as Instructor in Home Science College Rau, Pusa, Samastipur
10. Dr. Sunita Prasad wife of Dr. Kaushal Kishore Qtr. No. 184, Saint Hussain Nagar Colony, Shivpur, Shahbaganj Gorakhpur
11. Manohar Prasad Singh Son of Late Jyotish Prasad Singh Resident of Village and P.O. Naya Tola, P.S. Puraini Bazar District Madhepura, R.A.U, Pusa, Samastipur
12. Raj Kumar son of Ram Chandra Choudhary resident of Village Dhane Goraul, P.S. Goraul District Vaishali, Presently Posted as J.R.A. Department of Horticulture, Tirhut College of Agriculture, Dholi, P.O. Sakra District Muzaffarpur
13. Sunil Kumar Son of Late Surendra Singh Resident of Village-Maur, District Sheikhpura, Presently Posted as Agriculture Inspector, Sugar Cane Research Institute, Pusa Samastipur
14. Naresh Kumar Azad son of Balvodaya Azad, Presently Posted as Technical Assistant, Sugar Cane Research Institute, PUSA
15. Sushil Kumar Singh son of Sri Jagdishpur Singh resident of Krishnapuri, Kanhauli, Muzaffarpur, Present Posted as Junior Research Assistant, Sugar



Cane Research Institute, PUSA, Samastipur

16. Ravi Prakash Singh son of Sri Shivpujan Singh resident of Village P.O. Karmi District Mau, U.P. 276129, Present Posted at Sugar Cane Farm, Rajendra Agricultural University, PUSA, Samastipur
17. Anil Kumar Sharma son of Sri Arjun Sharma Resident of Village-Mohammadpur, P.S. Kazisarai District Jehanabad, Present Posted as J.R.A. Department of Horticulture, R.A.U. Pusa Samastipur
18. Manoj Kumar Son of B. Rai resident of Village Malikar P.O. Pusa District Samastipur Presently Posted Research Assistant in Tirhut College of Agriculture, Dholi, P.S. Sakara, District Muzaffarpur
19. Vijay Kumar Son of Late L.P. Singh resident of Village - Mahmada P.S. Pusa, District Samastipur Presently Posted as Demonstrator, Department of Entomology Rajendra Agricultural University, PUSA, Samastipur
20. Veeresh Kumar son of Sri Chandra Shekhar Prasad Thakur Presently Posted as Technical Assistant, Tirhut College of Agriculture, Dholi P.S. Sakara District Muxaffarpur
21. Rajeev Ranjan Son of Late S. Thakur resident of Gohi House, Professor Colony No.2 Tajpur Road, Samastipur, Presently Posted as Sr. Technical Assistant Rajendra Agricultural University, Pusa District Samastipur
22. Niraj Kumar Ghose Son of Late M.P. Ghose Resident of Village-Singhnan P.O. Singhnan District Banka, Presently Posted as Technical Assistant in Rajendra Agricultural University Pusa, District Samastipur
23. Dr. Manoj Kumar son of Sharda Charan Srivastava Resident of Mohalla-Kameshwari Bihar Sherpur P.O.MTC Bela District Muzaffarpur presently Posted as Technical Assistant in Faculty of Basic Science, RAU, Pusa, Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The principal Secretary, Finance Department Govt. of Bihar, Patna
3. The Agriculture Production Commissioner, Govt. of Bihar, Patna
4. Rajendra Agricultural University, Through its Registrar, Pusa, District Samastipur, Bihar
5. The Vice- Chancellor, Rajendra Agricultural University, Pusa, Samastipur, Bihar
6. The Registrar, Rajendra Agricultural University, Pusa, Samastipur, Bihar
7. The Director, Administration, Rajendra Agricultural University, Pusa, Samastipur, Bihar
8. The Comptroller, Rajendra Agricultural University, Pusa, Samastipur, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar



For the Respondent/s : Mr. Sc8- Kumar Alok

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 11 23-09-2024 1. The petitioners are working in erstwhile Rajendra Agricultural University now converted into Central University in 2016 on the post of Agriculture Inspector, Technical Inspectors and other equivalent post.
2. The grievance of the petitioners that after revision of their pay scale, they have been given grade pay of Rs. 4,200/- whereas the employees of the State Government being agriculture graduates are being given the grade pay of Rs. 4,800/- having the similar pay scale of Rs. 5,000/- Rs. 8,000/- working on the post under the Bihar Agriculture Service.
3. Learned counsel for the petitioners relied upon the gazette notification of the State Government dated 07.07.2011 to the effect that as per the resolution of the State Government bearing No. 630, dated 21.01.2010, the benefit of pay revision has been given to Rajendra Agricultural University, Pusa, Samastipur and Bhagalpur, etc. with effect from 01.01.2006 on notional basis and actual benefits to be paid with effect from 01.04.2007. Learned counsel submits that petitioners are being discriminated in the grant of grade pay and are not being given the same grade pay as has been given to the employees of the



State Government working under the Bihar Agriculture Service. Learned counsel submits that the gazette notification at Annexure 9 has been challenged by the petitioners to the extent of grant of lesser grade pay.

4. On the other hand, learned counsel for the University submits that University is an autonomous body and the pay scale prescribed by the Finance Department for the employees working under the State Government does not directly come into force in the University. The University is not empowered to enhance the pay scale or the grade pay of any employee of the University. As per Section 25 (II) of the Bihar Agriculture University Act, 1987, the University is paying the scale/grade pay to the petitioners and other employees as approved by the Agriculture Department, Government of Bihar without any deviation. Accordingly, the revisional pay scale under 6th pay revision as Agriculture Inspector and other similar posts was fixed in the revisional pay scale of Rs. 9,300/- – Rs. 34800/- with grade pay Rs. 4,200/- pay band 2 as per the gazette notification dated 09.11.2011.

5. Learned counsel for the State submits that vide resolution no. 4941 dated 07.07.2011, issued by the Agriculture Department, the Agriculture Inspector has been given grade pay



of Rs. 4,200/-, accordingly, the petitioners were also allowed the grade pay of Rs. 4,200/- by the Rajendra Agricultural University. The Rajendra Agricultural University has now been notified as a Central University.

6. Upon hearing learned counsel for the parties and from perusal of the relevant notification, it appears that the petitioners are also holding the post of Agriculture Inspector and other equivalent posts. The State Government has allowed the grade pay of Rs. 4,200/- to Agriculture Inspector as would be evident from Annexure A to the counter affidavit filed by the State dated 07.07.2011. The pay scale meant for the employees working under the Bihar Agriculture Service having qualification of agriculture graduate cannot be given to the petitioners merely because the petitioners are holding the degree of Agriculture Graduate. The nature of post, under the Bihar Government and the Bihar Agriculture University and the responsibility attached to the same cannot be said to be similar and merely because the petitioners are agriculture graduates, cannot claim the same grade pay which is given to the employees of the State Government working under the different cadre. Insofar as the same grade pay attached to the Agriculture Inspector working under the Bihar Government is being given



to the petitioners who are working as Agriculture Inspector and other in the University, accordingly, I do not find any discrimination in fixing the grade pay of the petitioners.

7. Accordingly, the present writ application stands dismissed.

(Anil Kumar Sinha, J)

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