

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18296 of 2021**

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Laliteshwar Mishra Son of Sri Anirudh Mishra, Resident of Flat No. 204, J.P. Apartment, Manik Sarkar, Kali Bari, Adampur, P.S. - Jogsar, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Higher Education, Education Department, Government of Bihar, Patna.
3. Pay Verification Cell, Department of Higher Education, Government of Bihar, Patna through its Incharge B.S.T.C., Budha Marg, Patna - 1.
4. The Tilka Manjhi Bhagalpur University, Bhagalpur, through its Registrar.
5. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
7. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
8. The Principal, Marwari College, Bhagalpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Pranav Kumar Jha, Adv.                                |
| For the Respondent/s | : | Mr. Jitendra Kr. Roy 1, S.C.-13<br>Mr. Ritesh Kumar, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

6      12-09-2024      Heard learned counsel for the parties.

2. This writ petition has been filed for the following  
reliefs:

*“For issuance of an appropriate writ/writs and order/orders in the nature of mandamus for directing and commanding the respondent Authority, particularly respondent nos. 3 to 5 to grant the benefit of 7<sup>th</sup> pay revision on the*



*scale which the petitioner was getting after the final judgment passed in C.W.J.C. No. 1377/2010, disposed of on 21.09.2010 and finally affirmed by the Hon'ble Supreme Court of India in S.L.P. No. 1302/2012 on 27.02.2012 and as much as the judgment and order passed by the Hon'ble Supreme Court of India in Civil Appeal No. 6178-6181/2015 with 617-6177/2015 on 27.02.2017.*

3. The issue raised in the present writ petition is no more res integra. Initially, the Demonstrators were treated as teachers but subsequently by amendment in Bihar State Universities Act, the Demonstrators were excluded from the definition of the teacher. The issue was taken to the Supreme Court. The Apex Court approved the Bihar State Universities (Amendment and Validation) Act, 2012. However, the Apex Court has granted certain protection to the Lab Assistant, who has been designated as teacher vide order dated 27.02.2017, which is quoted herein below:

*“We have heard learned counsel for the parties at great length.*

*These appeals arise out of challenge to the Bihar State Universities (Amendment and Validation) Act, 2012 (Bihar Act 22 of 2012) which has been upheld by the High Court by*



*the impugned order. We do not find any ground to interfere with the view taken by the High Court in upholding the said Act. We however make it clear that the present status rank and pay of the appellants will not be disturbed. If any lab assistant has been given designation of demonstrator which he continues to hold till date, it will not be withdrawn. They not be entitled to any further benefit in conflict with the impugned Act. In view of the above, the appeals are disposed of. No costs. Pending application if any, shall also stand disposed of.”*

4. The respondent-authorities are directed to pay all consequential benefits and dues (if any) pending to the petitioner on the post of Demonstrator, which he is entitled to, till the age of 62 years, within a period of 10 weeks from the date of receipt/production of a copy of this order.

5. Accordingly, this writ petition stands disposed of.

6. Pending applications, if any, shall also stands disposed of.

**(Anjani Kumar Sharan, J)**

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