

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19821 of 2014

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Ramashray Roy, Son of Jagadhar Roy, Resident at Sikandrapur, Rajaura, P.O-
Rajaura, P.S-Muffasil, District-Begusarai, Presently posted as associate Prof.
Department of Philosophy from S.B.S.S College, Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Authorised Officer, Pay Verification Cell, Education Department, Government of Bihar, Patna
4. The Vice -Chancellor, Lalit Narayan Mithila University, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Darbhanga
6. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
7. The Principal, Co-Operative College Begusarai, now Known as S.B.S.S. College, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Ms. Binita Singh, SC-28
		Mr. Kumaresh Singh, AC to SC-28
For the L.N.M.U.	:	Mr. Apurva Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 16-02-2024

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for the following relief(s):-

“1. (I) For issuance of an appropriate writ in the nature of certiorari for quashing the fixation made by Pay Verification Cell (Annexure-9) by



which date of initial appointment as lecturer and date of promotion to the post of Reader have been shifted ahead from 15.11.75 to 14.9.82 and 15.11.85 to 14.09.92 respectively, without jurisdiction to alter the fixation made by Pay Fixation Committee i.e. a Statutory body, since several occasions the date of appointment and date of promotion to the post of Reader has been held legal and valid by the Statutory Body treating initial date of appointment 15.11.1975., even the Hon'ble High Court has also held that Statutory Pay Fixation Committee is the competent authority to fix the pay scale of the University teachers.

(II) For issuance of appropriate writ in the nature of Mandamus commanding and directing the respondent authorities to not shift ahead the date of appointment as well as promotion to the post of Reader, which has been held legal and valid from 15.11.75 and 15.11.85 respectively since the petitioner was appointed on 1st sanctioned and vacant post, continued in service uninterruptedly till the recommendation of University Selection Committee and upon requisition sent by the University Screening Committee headed by Vice- chancellor, the Bihar State University (Constituent Colleges) Service Commission recommended for promotion to the post of Reader and after fixation of the competent authority date of appointment 15.11.75 and date of promotion to the post of Reader i.e. 15.11.85 was being treated and a direction to treat



15.11.75 as date of appointment and 15.11.85 as date of promotion to the post of Reader to the petitioner for all the purposes.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners shall be found entitled under the facts and circumstances of the case.”

3. Bereft of unnecessary details, it may be stated here that a supplementary counter affidavit has been filed on behalf of respondent nos. 1, 2 and 3, relevant portion of which is extracted herein below for ready reference:-

“4) That a consolidated Supplementary counter affidavit is being filed on behalf of the answering respondents who reserves their right to file a detailed counter affidavit if and when advice or required by this Hon'ble Court.

5) That at the outset it is humbly stated that a counter affidavit has been filed by the respondent no. 2 in the present case and the present supplementary counter affidavit is being filed, in pursuance of the order dated 06.11.2023 and 07.12.2023 whereby following direction has been given:

“1. Let the respondents especially the respondent no.3 file their counter affidavit giving paragraph wise reply to the averments made in the writ application”

6) That it is humbly stated that before adverting to para wise reply to the present writ application, the answering respondent is stating



the brief facts of the case, in order to appreciate the issues involved in the matter.

7) That the petitioner in the present writ application has prayed primarily for quashing of the fixation made by the Pay Verification Cell (Annexure 9 of the writ application) by which the date of initial appointment as lecturer and the date of promotion to the post of Reader has been shifted ahead from 15.11.75 to 14.09.82 and 15.11.85 to 14.09.92 respectively.

8) That it is humbly stated that the answering respondent has recently joined as the In-charge officer, Pay Verification Cell on and immediately after getting the knowledge of the aforesaid order passed by this Hon'ble Court, examined the case of the petitioner.

9) That it is humbly stated that after examination of the matter, it has transpired that impugned pay slip, issued by the Pay Verification Cell had been issued after treating the date of confirmation of the service of the petitioner as 14.09.1982, which has been mentioned in the confirmation letter issued by the respondent university.

10) That it is humbly stated that it further transpired that the Registrar of the respondent Lalit Narayan Mithila University, Darbhanga has supplied information with respect to the petitioner that "The petitioner was appointed against 1st Sanctioned post w.e.f. 15.11.1975. His Temporary appointment was concurred by the then Commission upto 3 months of the



recommendation of the Commission for permanent appointment or date of actual appointment whichever is earlier since the petitions was subjectively appointed on recommendation of Selection Committee notified on 14.09.1982. His degree teaching experience is to be consented from 01.06.1977 and his 10 years experience required for promotion would be 01.06.1986.”

11) That it is humbly stated that after examine the whole matter, the answering respondent has issued a fresh pay slip to the petitioner vide pay verification letter No. 19122308002948, which is being brought on record for the better appreciation of this fact.

A Photo copy of the pay verification letter No. 19122308002948 is annexed herewith and marked as Annexure-R/B to this Counter Affidavit.

12) That regarding the prayer and grounds mentioned in paragraph no 1 and 2 of the present writ application, it is humbly stated that the answering respondent has issued a fresh pay slip to the petitioner, assigning the then government pay scale from the year 1981 as the college in question was made constituent unit in the year 1981. Further he was given the pay scale of Reader under Time Bound Scheme in the year 1985 after considering the appointment of the petitioner in the year 1975. Therefore the grievance of the petitioner has been redressed.”



4. It further transpires that a fresh pay slip has been issued and which has been brought on record as Annexure-R/B to the above supplementary counter affidavit.

5. In view of the above, learned counsel for the petitioner does not press the instant writ application, however prays that a direction be given to the respondents to pay the consequential monetary benefits to the petitioner within a fixed time.

6. Having heard learned counsel for the parties and in view of the contents of the supplementary counter affidavit as quoted herein above, the instant writ application is disposed of as withdrawn.

7. The Registrar, Lalit Narayan Mithila University, Darbhanga (respondent no.5) and the Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga (respondent no.4) are directed to pay the consequential monetary benefits to the petitioner in view of the pay slip issued by the respondent-State of Bihar, brought on record as Annexure-R/B to the above supplementary counter affidavit, within a period of four months of receipt/production of the copy of this order.

8. In case, the amount is not paid within the aforesaid period, the petitioner shall be entitled to cost of Rs.10,000/- (Rs.



Ten Thousand).

9. The writ application stands disposed of.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	19.02.2024
Transmission Date	N/A

