

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16171 of 2024

Shakila Rafat Ghani Wife of Md. Rashid Shibil Resident of Ismail Shaheed Road, East of Pani Tanki Siwan, District-Siwan, Presently Working as Shorter, Z.A. Islamia College, Siwan, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Education Department, Government of Bihar, Patna.
4. The Authorized/Incharge Officer, Pay Verification Cell, Education Department, Government of Bihar, Patna.
5. The Vice Chancellor Jai Prakash University, Chapra.
6. The Registrar, Jai Prakash University, Chapra
7. The Finance Officer, Jai Prakash University, Chapra
8. The Principal, Z.A. Islamia College, Siwan, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Md. Fazle Karim, AC to SC-1
For the J.P.U.	:	Mr. Bindhyachal Rai, Advocate
		Mr. Chandan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 18-11-2024

Heard learned counsel for the petitioner, learned AC to SC-1 for the State and learned counsel appearing on behalf of the Jai Prakash University.

2. Learned counsel for the petitioner submits that the instant writ application has been filed for quashing the Pay Verification Letter issued vide receipt no. 1506220300005 issued by the Education (PVC) Department whereby the Pay Verification Cell of the Education Department, Government of Bihar has



reduced the basic salary of the petitioner from Rs.62,200 to Rs.48,900 w.e.f. 01.07.2018 without issuing any show cause notice or giving an opportunity of hearing to the petitioner contrary to the fixation made by the Statutory Pay Fixation Committee of the respondent University by which the petitioner was granted the prescribed pay-scale of Shorter of Rs.4000-6000 in view of the resolution issued by the State Government pursuant to the direction issued by this Hon'ble Court as well as Hon'ble Supreme Court in the case of Sunny Prakash and had further granted the pay-scale of Rs.5000-8000 (Rs.9300-34,800 Grade Pay Rs.4200) on account of grant of benefit of ACP, further Pay Verification Cell has no authority to reduce the salary of the petitioner as held by this Court in catena of its decision.

3. Learned counsel appearing on behalf of the petitioner submits that the only ground on which the impugned Pay Verification Certificate is being challenged is that the same has been issued in complete violation of the principles of natural justice i.e. the petitioner was never given any opportunity to explain his side of the case. It is further submitted that the case is squarely covered by the order dated 13.11.2024 passed in C.W.J.C. No. 16104 of 2024.



4. Learned counsel appearing on behalf of the petitioner submits that if the Pay Verification Cell was of the opinion that the salary of the petitioner needs to be scaled down in that event the Pay Verification Cell had to issue a notice to the University and the University in turn would have sought an explanation from the petitioner but then the same was not done and the entire exercise was carried behind the back of the petitioner. It is further submitted that any order passed which has civil consequences cannot be countenanced when the same is issued in breach of the principle of natural justice. It is next submitted that this Court in C.W.J.C. No. 16104 of 2024 (Suray Deo Paswan Vs. The State of Bihar & Ors.) vide order dated 13.11.2024 had quashed the Pay Verification Certificate and had remanded the matter back to the authority for considering it afresh in accordance with law.

5. After hearing the learned counsel for the parties, the writ application is allowed and the Pay Verification Letter issued vide receipt no. 1506220300005 by the Education (PVC) Department is hereby quashed on the ground that the same has been issued in complete violation of the principles of natural justice as held by this Court in C.W.J.C. No. 16104 of 2024 and the Director, Higher Education, Education Department,



Government of Bihar, Patna is directed to proceed afresh in
accordance with law.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	19.11.2024
Transmission Date	

