

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17108 of 2024

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Quadir Ahmad Son of Fasiur Rahman Resident of Village-Malikpur, P.O. Ratanur, District-Darbhangha, Presently Working as Upper Division Clerk, 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

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate
For the Respondent/s : AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner, learned AC to GP-16 and the learned counsel appearing on behalf of the University.

2. The learned counsel for the petitioner submits that the instant application has been filed for quashing the Pay Verification Letter issued vide Receipt No.0906220300018 issued by the Education (P.V.C) Department whereby the Pay Verification Cell of the Education Department, Government of



Bihar has reduced the pay scale of the petitioner from Level-6 to Level-4 and from Rs.70,000 to Rs.45000 as on 01.07.2018, as fixed by the respondent University on 24.09.2019 pursuant to the recommendation of the Statutory Pay Fixation Committee of the University, on the ground that Pay Verification Cell has no authority to reduce the salary of the petitioner as held by this Court in catena of its decision and also the letter issued by the Education Department. Further, to command the respondent University to not alter the fixation made by the respondent University in view of the fixation made by the Pay Verification Cell of the Education Department and to direct the respondent authorities to pay the differences of arrears of salary of the petitioner and other consequential benefits with interest in view of the fixation of the pay scale made by the respondent University and to direct the University to continue to pay the salary of the petitioner on the basis of fixation made by the respondent University.

3. The 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 principle of natural justice i.e the petitioner was never given any opportunity to



explain his side of the case. It is next submitted that the case is squarely covered by an order dated 13.11.2024 passed in C.W.J.C No.16104 of 2024.

4. The learned counsel for the petitioner next submits that the Pay Verification Committee issues notice to the concerned University and the concerned University thereafter seeks an explanation from the employee concerned and once the employee furnishes his explanation the University reverts back to the State Government and if the explanation furnished by the employee or the University concerned is not accepted by the Pay Verification Cell in that event, the University is directed to issue a corrigendum. The learned counsel for the petitioner submits that it has been specifically pleaded at para-17 of the writ application that the Pay Verification Cell reduced the salary of the petitioner without asking any show-cause notice or giving any opportunity of hearing to the petitioner when Pay Verification Cell has no authority to reduce the pay scale of the University employee ex-parte. It is thus submitted that the action of the Pay Verification Cell to scale down the salary of the petitioner is unilateral and is in complete violation of the principles of natural justice and thus cannot be countenanced. It is also submitted that this Court in C.W.J.C No.16104 of 2024



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. The learned counsel appearing on behalf of the State and the University seeks time for filing counter affidavit. The Court is not inclined to grant time to the University and the State for filing counter affidavit in view of specific pleading made by the petitioner at para-17 of the writ application that the Pay Verification Cell of the Education, Government of Bihar without issuing any show-cause or seeking explanation unilaterally scale down the salary of the petitioner.

6. After hearing the learned counsel for the parties the writ application is allowed and the Pay Verification Letter issued vide Receipt No.0906220300018 issued by the Education (P.V.C) Department is hereby quashed on the ground that the same has been issued in complete violation of the principle 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.

7. It is made clear that the writ application has been allowed in absence of counter affidavit as such the Director,



Higher Education before deciding the issue afresh must seek information from the Pay Verification Cell of the Education Department and the University that as to whether any opportunity of hearing was given to the petitioner or not before scaling down his salary and in the event if it is found that the Pay Verification Cell had scaled down the salary of the petitioner after giving him an opportunity of hearing or after issuing show-cause and receiving his explanation in that event, the present order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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