

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18865 of 2024

Ekta Priyadarshini W/o- Sri Manish Kumar, D/o Late Ramadhin Prasad
Residence of Sai Kripa Dakhli Ghat, P.S.- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Secretary, Department of Education, Government of Bihar, Patna.
3. The Pay Verification Cell, Department of Education, Government of Bihar, Patna.
4. The Patliputra University, through the Registrar, Patna.
5. The Vice Chancellor, Patliputra University, Patna.
6. The Registrar, Patliputra University, Patna.
7. The Principal/Professor in Charge, SPMC Collage, Biharsharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Prasad, Advocate
For the P.P.U.	:	Mr. Rana Vikram Singh, Advocate
		Ms. Rasika, Advocate
For the State	:	Mr. Raghwanand, GA-11
		Mr. Prabhat Kumar, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Patliputra University and the learned counsel appearing on behalf of the State.

2. Learned counsel for the petitioner submits that the petitioner was appointed as routine Clerk by the University vide its memo dated 20.07.2011 (Annexure-1) on compassionate ground. The service of the petitioner was confirmed vide memo dated 30.11.2015 (Annexure-3) issued by the Registrar of the University. The services was confirmed w.e.f. 20.07.2011. Learned counsel for the petitioner next submits that the Pay Fixation Committee of the University vide its Memo No. 237



dated 27.03.2018 (Annexure-4) fix the salary of the petitioner in pay scale of Rs. 5200-20200, Grade Pay of Rs. 2400/-.

3. Learned counsel next submits that the Pay Verification Cell of the Department of Education without seeking any explanation from the petitioner through the University, behind his back, reduced the Grade Pay of the petitioner from Rs. 2400-1900 vide its letter dated 21.05.2024 (Annexure-5) which is impugned in the instant writ application.

4. The learned counsel appearing on behalf of the petitioner submits that the only ground on which Annexure-5 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 an 13.11.2024 in C.W.J.C. No. 16104 of 2024 and order dated 28.11.2024 in C.W.J.C. No. 17108 of 2024.

5. The learned counsel appearing on behalf of the State and the University seek time for filing counter affidavit. The Court is not inclined to grant time to the University and the State for filing counter affidavit as petitioner has specifically pleaded in the writ application that his Grad Pay was reduced behind his back without seeking any explanation from the



petitioner.

6. After hearing the learned counsels for the parties, the letter dated 21.05.2024 issued by the Pay Verification Cell of the Department of Education, Government of Bihar is hereby quashed as the same was issued without issuing any show-cause or seeking explanation from the petitioner and thus, unilaterally scaled down the Grad Pay of the petitioner.

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, it is found that the Pay Verification Cell had scaled down the salary of the petitioner after the petitioner got an opportunity of appearing and had furnished his explanation, in that event, the present order shall not be given effect to.

(Satyavrat Verma, J)

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