

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18808 of 2024

=====

Pramod Kumar S/o Bharat Prasad, Resident of Pramila Kunj Amber, Near Naua Pokhar, Bihar Sharif, P.S.-Bihar Sharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, New Secretariat, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, New Secretariat, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, New Secretariat, Patna.
4. The Authorised Officer, Pay Verification Cell, Department of Education, Government of Bihar, Patna having its office at B.S.T.B.P. Corporation, Buddha Marg, Patna.
5. The Magadh University Bodh Gaya through its Registrar.
6. The Vice Chancellor, Magadh University, Bodh Gaya.
7. The Registrar, Magadh University, Bodh Gaya.
8. The Finance Officer, Magadh University, Bodh Gaya.
9. The Principal, Jagjiwan College, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Kumar Pankaj, AC to SC-5
For the Respondent/s	:	Mr. Sriram Krishna, Advocate (for the University)
		Mr. Prabhat Kumar Singh, Advocate
		Mr. Amarjeet, Advocate
		Mr. Shashank Shekhar Kunwar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The learned counsel for the petitioner submits that the instant writ petition has been filed for quashing the Pay



Verification Certificate issued vide Receipt No. 2907220100167 under the signature of Authorised Officer, Pay Verification Cell, Department of Education, Government of Bihar, Patna (Annexure-P/12), whereby the petitioner has been given the Pay Scale of Level-3 i.e. Rs. 21700-69100/-, instead of Rs. 29200-92300/- fixed by the University and his Basic pay as on 17.12.2005 i.e. the date of joining has been fixed at Rs. 3050/- instead of Rs. 4000/-, accordingly, his Basic Pay has been reduced to Rs.27600/- as on 01.01.2016 instead of Rs.35900/-, which was fixed by the University on 01.01.2016, without any authority, in complete violation of Principles of Natural Justice and in violation of the Judgment of this Court and the judgment passed by the Hon'ble Supreme Court in Civil Appeal No.516 of 2013 (**State of Bihar & Ors. Vs Sunny Prakash & Ors.**).

3. The learned counsel for 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 that is 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 and order dated 28.11.2024 in C.W.J.C. No.



17108 of 2024.

4. 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-19 of the writ application that the Pay Verification Cell reduced the salary of the petitioner without seeking 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 a 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 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 University and State seek 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-19 of the writ application that the Pay Verification Cell of the Department of Education, Government of Bihar, Patna without issuing any show-cause or seeking explanation unilaterally scaled 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. 2907220100167 issued by the Education (PVC) department is hereby quashed on the ground that the same has been issued in complete breach 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.

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)

Guddu/-

U		T	
---	--	---	--

