

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.964 of 2025

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1. Md. Athar Alam S/o- Late Md. Masood Alam, Resident of- Alapokhar, Bhaunagar, P.S.- Baliya Balon, District- Katihar.
 2. Deobrat Kumar S/o- Late Bhagwan Mistry, Resident of Nurpur, P.S.- Madhusudanpur, District- Bhagalpur.

... .. 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, Government of Bihar, New Secretariat, 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 Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
6. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
7. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
8. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
9. The In-charge, Pay Verification, Tilka Manjhi Bhagalpur University, Bhagalpur.
10. The Principal Accountant General (Audit), Bihar, Patna, Birchand Patel Marg.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the University/s : Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-01-2025 Heard Mr. Shivam, learned counsel appearing on behalf of the petitioners and Mr. Ritesh Kumar, learned counsel for the University.

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners were appointed as a



Lower Division Clerk on compassionate ground, after the death of their father on 20.03.2015 and their pay scale was also fixed and approved by the Statutory Pay Fixation Committee of the University in the prescribed Pay Scale of Lower Division Clerk from due date. Surprisingly by the impugned pay verification certificate issued by the Pay Verification Cell of the Department of Education, Government of Bihar, Patna vide receipt no.160822207000051 and receipt No.250920700009, the petitioners have been given the Pay Bank of Level-2 instead of Level-3 and the Basic Pay of the petitioners as on 01.01.2016 has been fixed at Rs.19,900/- instead of Rs.21,700/- with Grade Pay of Rs.2000/-. The learned counsel further submitted that that before reducing the pay scale of the petitioners, no notice whatsoever has been given to the petitioners/University or no any objection was ever raised with regard to grant of higher pay scale to the petitioners.

3. Learned Counsel submitted that The Pay Verification Certificate issued by the Pay verification Cell of the State Government is in teeth of the directions given by this Hon'ble Court in CWJC No.7636 of 2014, wherein this court held that the Pay verification Cell of the State government has got no authority to change the pay scale fixed by the University.



4. Learned Counsel further submitted with reference to the Audit Enquiry dated 06.12.2024 '**Annexure P/8**' issued from the office of the Principal Accountant General (Audit), Bihar, Patna, a reference has been given with regard to non-recovery of excess amount to the tune of Rs.285.09 Lakh under the salary head in the Tilka Manjhi Bhagalpur University, Bhagalpur, in which a recovery to the tune of Rs.131631/- for the period January, 2020 to November 2023 was shown against the petitioner no.1, while recovery to the tune of Rs.127210/- for the period January, 2020 to November, 2023 was shown against the petitioner no.2 and the University deliberately did not take any effort to recover the said amount and further the University was directed to recover the said amount and inform the office of the Accountant General (Audit).

5. The question involved in the present writ petition is whether on the basis of the audit objection, the State Government can turn down the pay fixed by the University. In the present writ petition, it is not denied by the petitioners that an audit was held in respect of any of the financial year and objection was raised with respect to the claim of the petitioners. The Additional Chief Secretary, Education Department must abide by the law and seek requisite documents relating to the



petitioners for granting relief as prayed for in the present writ petition and, if required, the University must also furnish also all the documents by uploading it on the official website of the State Government to be verified by the Pay Verification Cell of the Education Department for taking corrective measures.

6. It appears that the Pay Verification Cell has not followed the directives contained in order passed by this Court in CWJC No.6736 of 2014 and unilaterally issued “**Annexure P/7**”, which is based on the audit objection. The Additional Chief Secretary, Education Department, Government of Bihar and the Registrar/Finance Officer headed by the Vice Chancellor of the University. The petitioners, if so desire, must also co-operate to get their relief redressed, as claimed for in the present writ petition.

7. I find it apt to reproduce operative part of the Judgment dated 15.01.2015 passed by this court in CWJC No. 7636 of 2014, which is reproduced hereinafter:

“16. In view of the above, the objection of the Pay Verification Cell cannot have the effect of annulling previous notifications issued by the University, unilaterally, nor can such objection have the effect of modifying the precious notification issued in favour of the petitioners. Such objections will be treated audit objections for which notices would be required to be given to the University concerned, which in turn will issue notice to the concerned affected teachers and employees, seek



their response and the University thereafter will revert to the Pay Verification Cell. If the response of the University or the concerned employee is not found to be satisfactory, the State Government can issue appropriate direction to the University to issue appropriate corrigendum within the time frame so fixed. But the final notification and amendment or corrigendum of clarification of the previous decision has to be taken by the University because Pay Verification Cell does not have any power in this regard.

17. Yet another serious conformity found by the Court is that the decision contained in Annexure-8 series has been passed in gross violation of the principles of natural justice because the decision so taken by the Pay Verification Cell has serious civil consequences for these petitioners since they are going to not only lose out on the salary they have so earned but even the orders of promotion etc. which they have acquired over a period of time on the basis of the date of their initial absorption on their respective post and position gets altered.

In view of the above, Annexure-8 series are quashed.”

8. The Additional Chief Secretary, Education Department, Government of Bihar must take appropriate action forthwith and get at least the fund released from the Finance Department by making a request to the Additional Chief Secretary, Finance Department, Government of Bihar to the extent the petitioners are required to be paid the requisite amount under different heads as per their pay scale.

9. The Additional Chief Secretary, Education Department is directed to take action forthwith upon receipt of the requisite information in light of the order contained in



CWJC No.7636 of 201.

10. In the light of the mandate contained in CWJC No. 7636 of 2014, **Annexure-P/7** and **Annexure P/8** are hereby set aside and quashed.

11. Accordingly, the Writ Petition is consigned.

(Purnendu Singh, J)

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