

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7939 of 2021

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Sachchidanand S/o Late Ram Lakhan Singh Permanent resident of Village- Chatauna, P.S. and District- Samastipur, presently residing at Ward No.- 15, Banaras State Compound Karimabad Alias Magardahi, P.S. and District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Vice Chancellor, L.N. Mithila University, Darbhanga
4. The Registrar, L.N. Mithila University, Darbhanga
5. The Finance Officer, L.N. Mithila University, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate.
For the State	:	Mr. Amit Bhushan, AC to GP-17.
For L.N.M.U.	:	Mr. Shailesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-03-2025 Heard Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner; Mr. Amit Bhushan, learned AC to GP-17 for the State and Mr. Shailesh Kumar, learned counsel for the Lalit Narayan Mithila University.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

“(i) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to fix the pay in the light of notification contained in Memo No. 5617-94/19 dated 15.04.2019 by which date of promotion to the post of Reader is 23.06.1990 has been restored and make payment the salary difference in the light of aforesaid notification for



the period of 23.06.1980 to 31.12.2016 including benefit of revision of pay scale in revised UGC scale effective from 01.01.1996, 01.01.2006 and 01.01.2016 in the pay point of Rs.14,940/-, Rs.53,590/- and Rs.1,87,300/- respectively after deducting the paid amount.

(ii) For issuance of writ of Mandamus commanding and directing the respondents to make payment the aforesaid dues with interest on account of delay in view of order passed by Hon'ble Court in CWJC 6226/2010 and its analogous cases which has upheld by the Division Bench of the Hon'ble Court in LPA No. 1253/2016.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

3. The original petitioner was appointed as Lecturer on 23.06.1980 in the subject Home Science in Women's College Samastipur. She was promoted as Reader w.e.f. 23.06.1990. In the year 2010, her initial date of appointment was shifted as 14.09.1982 as Lecturer and on 14.09.1992 as Reader which was corrected by the University vide letter dated 15.04.2019 as contained in Annexure-3 to the writ application.

4. Learned counsel appearing on behalf of the University submitted that though the University has corrected the pay scale of the petitioner and fixation has been made by the University, but arrears of salary for the period from 23.06.1980 to 31.12.2016 has not been made to the petitioner in view of the letter dated 15.04.2019 (Annexure-3) and provisional pay point of teacher in pursuance of Letter No. 15/M/1-20/2018-591 dated 06.03.2019 (Annexure-4). Revised pay scale of 7th pay Revision



w.e.f. 01.01.2016 has been recommended in respect of Home Science Department including the original petitioner making her entitled for the said post as claimed by the original petitioner after rectification, but effectively the same has not been paid. Subsequent to the same, the State vide its resolution no.1103 dated 06.05.2022 has developed End to End Solution Software for verification of pay fixation made by the University of its employee by the Pay Verification Cell of the Education Department for which on line application is required to be furnished.

5. State has filed a counter affidavit and has admitted the factual position. In Paragraph No.9, the State has requested the Universities to upload required information on line. Considering the fact that it is the obligation on the part of the University and its authorities who have not taken steps after publication of the required pay scale applicable as per the recommendation of 7th pay revision which was made effective from 01.01.2016 and for their own fault, they cannot deny the required pay scale to the original petitioner by not taking any effective steps. Now information has been given that End to End Solution Software has been provided for verification of pay by the Pay Verification Cell of the Education Department.



6. The original petitioner had been able to bring on record that the University has not acted even after delay of two years from the date of recommendation by the Vice Chancellor and the Statutory Pay Verification Committee of the University has verified the pay scale applicable as contained in Annexure – 4, but as on date the original petitioner who had retired on 31.12.2016 has not been paid.

7. This Court has no alternative than to direct the Vice Chancellor of the University to take remedial measures forthwith and grant the difference of salary as claimed by the petitioner in the present writ petition forthwith failing which the Registrar of the University will be solely liable for payment of interest at the statutory rate from his own pocket.

8. The original petitioner had retired already in the year 2016, he is being paid reduced pension. It is made clear that Article 300A mandates that pension is a property which has been held by the Apex Court in the case of **D. S. Nakara & Ors. Vs. Union of India, reported in (1983) 1 SCC 305.**

9. The writ petition stands disposed of.

(Purnendu Singh, J)

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