

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5427 of 2019

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Mohan Jha Son of Late Suresh Jha, Resident of Village- Narayan Patti, P.S.-
Raj Nagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The Lalit Narayan Mithila University and Ors Kameshwar Nagar, Darbhanga through its Registrar.
2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Additional Chief Secretary cum Principal Secretary, Department of Education, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Jha, Advocate
For the University	:	Mr. Md. Nadim Seraj, Advocate
		Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Dhurajti Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

18 09-12-2025 Heard learned counsel for the petitioner, learned
counsel for the University and learned counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

*I) For directing the Respondent authorities
to fix the Pay Scale of petitioner with effect from
1/1/1986 in the Pay Scale of Rs. 2000/- to 3800 in
stead of what has been fixed under fixation made
by the University on 2/7 /2016 in the Pay Scale of
Rs. 975 to 1540/-.*

II) For also holding the pay fixation dated



2/7/2016 bad to that extent where petitioner has been found eligible for a pay scale of Rs. 975/- to Rs. 1540 i.e. from 1/3/1989 to 8/8/1992.

III) For also directing the respondents to pay the arrears of difference of salary accruing out of said fixation of pay scale.

IV) For directing respondents to pay suitable amount of interest over the said arrears amount

V) For any other relief or reliefs for which the petitioner may be found entitled.

3. Learned counsel for the petitioner by taking this Court to Annexure-P/5 at page 30 submits that after adjudication of grievances vide order dated 05.10.2015 passed in C.W.J.C. No.15703 of 2012, the authorities were directed to decide the case of this petitioner regarding his pension and pensionary benefits upon superannuation in the pay-scale of Rs.6500 to Rs.10,500 but ignoring the same, the authorities of the University has proposed to make modification in the pay-scale by reducing the pay-scale of Rs.1400-Rs.2600 to Rs.975-Rs.1540 against which salaries were released for the period 01.03.1989 to 08.08.1992 and similarly of Rs.1500-Rs.2700 to Rs.1200-Rs.1800 for the period 09.08.1992 to 31.03.1997, leaving the only pay-scale of Rs.6500-Rs.10,500 untouched, based on last pay drawn by the petitioner.



4. Learned counsel for the University submits that there is no such order passed by the authorities of the University on the basis of which the petitioner can raise such apprehension of reduction of pay-scale, which is being referred in reference to Annexure-P/5, which is said to have been prepared by the University in the form of a chart to calculate the difference of pension arrear between 01.03.2003 to 29.02.2016 and relevant portion of such calculation is referred at page 30 of the writ petition.

5. It has next been submitted by the learned counsel for the University that since the issues have already been given quietus by the Co-ordinate Bench of this Court and review which was preferred by the University being Civil Review No.234 of 2016 arising out of C.W.J.C. No.15703 of 2012, having already been disposed of with clear observation that the petitioner is entitled to pay-scale of Rs.6500 to Rs.10,500/- and the said pay-scale be treated as last pay drawn by the petitioner at the time of superannuation in the year 2003 and as also, the recovery of the amount paid to the petitioner based on the pay-scale allowed to him during his service period, was directed to be refunded, therefore, the authority of the University which finally allowed such pay-scales, pursuant to which the contempt



petition being M.J.C.No. 1247 of 2016 came to be disposed of and the authorities do not intend to make any changes in the pay-scales, which the petitioner, has already sought benefits and the same has been backed by the Hon'ble Court in the aforesaid writ petition.

6. Taking into account the stand of the State and the University, this Court directs that neither the University nor the State would have any reason to tinker with the pay-scale, which was allowed in favour of the petitioner during the service period and in view of the adjudication made by the Co-ordinate Bench of this Court bringing quietus to the disputes and the Civil Review preferred by the University having not been pressed in view of the legal limitation and further, the contempt petition filed for initiation of proceeding having been dropped finding the Court order having been complied in letter and spirit, and accordingly, it is expected that no further financial harassment would be caused to this petitioner in any manner, by re-opening the issues, in so far as the same having attained finality.

7. Considering the aforesaid, this writ petition is disposed of with a limited direction that in case the petitioner is found entitled to revision of any existing pay-scale, which was allowed to him during the service period, then upon filing of



representation by the petitioner, within a period of four weeks from today and applicable revision as per pay commission shall be extended to him within six weeks from the date of representation, if not already allowed and on calculation of such revision of the un-revised pay-scale, if found entitled to any monetary benefit, the same shall also be extended by passing appropriate reasoned order, within a further period of four weeks thereafter.

8. Consequently, the writ petition is disposed of in above terms.

(Ajit Kumar, J)

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