

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5603 of 2025

1. Sanjay Kumar Son of Late Lakshmi Narayan Singh, Resident of Village-Burhanpur, Police Station- Barh, District- Patna. At present Routine Clerk (L.D.C), A.N.S. College, Barh.
2. Harsh Bardhan Kumar Son of Late Kamal Kishor Sinha, Resident of Village- Charch Road Bajitpur, Police Station- Barh, District- Patna. At present Routine Clerk (L.D.C), A.N.S. College, Barh.
3. Amrit Kumar Singh Son of Late Jwala Prasad Singh, Resident of Village-New Colony, Panchsil Nagar, Police Station- Barh, District- Patna. At present Routine Clerk (L.D.C), A.N.S. College, Barh.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Higher Education Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Higher Education Department, Government of Bihar, New Secretariat, Patna.
3. The Secretary, Higher Education Department, Government of Bihar, New Secretariat, Patna.
4. The Director, Higher Education Department, Government of Bihar, New Secretariat, Patna.
5. The Authorised Officer, Pay Verification Cell, Higher Education Department, Government of Bihar, Patna.
6. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
7. The Vice Chancellor, Patliputra University, Patna.
8. The Registrar, Magadh University, Bodh Gaya, Gaya.
9. The Registrar, Patliputra University, Patna.
10. The Finance Officer, Magadh University, Bodh Gaya, Gaya.
11. The Finance Officer, Patliputra University, Patna.
12. The Principal, A.N.S. College, Barh, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra, Advocate
For the Magadh University	:	Mr. Shyam Kumar Singh Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA 7)
for the PPU	:	Mr. Rana Vikram Singh, Advocate
		Ms. Rasika, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-04-2025

Heard Mr. Gopal Govind Mishra, learned counsel



appearing on behalf of the petitioners; Mr. Shyam Kumar Singh, learned counsel for the Magadh University, Mr. Gyan Prakash Ojha, learned GA 7 for the State and Mr. Rana Vikram Singh, learned counsel, along with Ms. Rasika, learned counsel for the PPU.

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners were appointed on the post of Lower Division Clerk on compassionate ground by the Magadh University, Bodh Gaya in pay scale of Rs.5200-20,200/- and grade Pay of Rs.1900/- in A.N.S. College, Barh, Patna *vide* office order dated 25.02.2015 (Annexure P/1). Names of petitioner no.1, 2 and 3 are mentioned at Sr. Nos.45, 20 and 17 respectively in the appointment list and thereafter the petitioners joined on 02.03.20215 in the college. 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 (Annexure P6 series) issued by the Pay Verification Cell of the Department of Education, Government of Bihar, Patna *vide* receipt no.2507221001145, (petitioner no.1), receipt No.2507221001127 (petitioner no.2) and receipt



No.2507221001293 (petitioner no.3), the petitioners have been given pay scale of Rs.5200-20200/- with grade pay of Rs.1,900/- from 01.07.2023 in place of Rs.5200-20,200 with grade pay of Rs.2,400/- on the post of Lower Division Clerk which was earlier granted by the University. 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. 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 petitioner that an audit was held in respect of any of the financial year and objection was raised with respect to the claim of the petitioner. The Additional Chief Secretary, Education Department must



abide by the law and seek requisite documents relating to the petitioner for granting relief as prayed for in the present writ petition and, if required, the University must also furnish 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.

5. It appears that the Pay Verification Cell has not followed the directives contained in order passed by this Court in CWJC No.7636 of 2014 and unilaterally issued “**Annexure P/6**” series, 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 petitioner, if so desire, must also co-operate to get his relief redressed, as claimed for in the present writ petition.

6. 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 previous 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 loose 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.”

7. 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 petitioner is required to be paid the requisite amount under different heads as per their pay scale.

8. 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 2014.

9. In the light of the mandate contained in CWJC No. 7636 of 2014, **Annexure-P/6 series** is hereby set aside and



quashed.

10. Accordingly, the Writ Petition is consigned.

(Purnendu Singh, J)

Sanjay/-

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