

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5649 of 2025

1. Jawaaid Anwar S/o Late Anwar Hussain Shaikh, resident of Mohalla- Gali No.1, P.O., P.S. and District - Siwan, retired as Store Keeper from D.A.V. College, Siwan, a constituent unit of J.P. University, Chapra.
2. Dhananjay Sharma, S/o Shyam Bihari Sharma, resident of - Near Dack Bangla Road, Siwan Kachahari Road Siwan, P.S. and District - Siwan. retired as Store Keeper in the department of Zoology from D.A.V. P.G. College, Siwan, a constituent unit of J.P. University, Chapra.
3. Birendra Singh, S/o Basawan Singh, resident of Jagdishpur P.O. and P.S.- Maharajganj, District - Siwan, retired as Store Keeper in the department of Physics from R.B.G.R. College, Maharajganj, Siwan, a constituent unit of J.P. University, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, J.P. University, Chapra.
4. The Registrar, J.P. University, Chapra.
5. The Finance Officer, J.P. University, Chapra.
6. The Principal, D.A.V. College, Siwan.
7. The Principal, D.A.V. P.G. College, Siwan.
8. The Principal, R.B.G.R. College, Maharajganj, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mrs. Binita Singh, SC 28
		Mr. Nishant Kumar Jha, AC to SC 28
For the University	:	Ms. Vagisha Pragya Vacaknavi, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-04-2025 Heard Mr. Shashi Bhushan Singh, learned counsel

 appearing on behalf of the petitioners; Mrs. Binita Singh learned

 SC 28 along with Mr. Nishant Kumar Jha, learned AC to SC 28

 for the State and Ms. Vagisha Pragya Vacaknavi, learned



counsel for the University.

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners were appointed as store keeper and they joined on 01.08.1979, 21.11.1972 and 06.08.1977 respectively and their pay scale was fixed and approved by the Statutory Pay Fixation Committee of the University in the prescribed pay scale of store keeper 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.0608220300397, 2607220301555, 2207220300228, the petitioners have been given pay scale of Rs.9300-34800-Grade Pay 5400 (Annexure 4 series to the writ petition) instead of Rs.15600-39100, Grade Pay 6600/- (Annexure P/2 series to the writ petition). Learned counsel further submitted 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/4 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 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 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. In the light of the mandate contained in CWJC No. 7636 of 2014, **Annexure-P/4 series** are hereby set aside and quashed.



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. He is further directed to 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.

10. Accordingly, the Writ Petition is disposed of.

(Purnendu Singh, J)

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