

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6080 of 2025

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Mikku Kumar S/o Late Shivnandan Prasad, Resident of - 26, Garhpar,
Biharsharif, Nalanda, P.S. - Biharsharif, District- Nalanda.

... .. 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 Magadh University, Bodh Gaya through its Registrar.
6. The Vice Chancellor, Magadh University, Bodh Gaya.
7. The Registrar, Magadh University, Bodh Gaya.
8. The Finance Officer, Magadh University, Bodh Gaya.
9. The Principal, S.N.S. College, Tekari, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ritesh Kumar, Advocate
For Magadh Uni.	:	Mr.Ram Krishna, Advocate
For the Respondent/s	:	Mr.Sita Ram Yadav, GP 16
		Mr.Jitendra Kumar, AC to GP 16

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-04-2025 Heard Mr. Ritesh Kumar, learned counsel appearing on behalf of the petitioner; Mr. Ram Krishna, learned counsel for the Magadh University and Mr. Sita Ram Yadav, learned GP 16 along with Mr. Jitendra Kumar, learned AC to GP 16 for the State.

2. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner was appointed as a Routine Clerk on compassionate ground, after the death of his father on 02.12.2006 and his pay scale was also fixed and approved by the Statutory Pay Fixation Committee of the University in the prescribed Pay Scale of Routine 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.1807220100060, the petitioner has been designated as Lower Division Clerk instead of Routine Clerk and has been given the pay scale of Level 3 (Rs.21,700-69,100) instead of Level 4 (Rs.25,500-81,100) and the Basic Pay of the petitioner on 09.12.2006 has been fixed at Rs.5,200/- with Grade Pay of Rs.1,900/- instead of Grade Pay of Rs.2,400/- and his Basic Pay has been reduced to Rs.24,400/- on 01.01.2016 instead of Rs.34,300/- on 01.01.2016. The learned counsel further submitted that that before reducing the pay scale of the petitioner, no notice whatsoever has been given to the petitioner/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.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 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. 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/9** is hereby set aside and quashed.

10. Accordingly, the Writ Petition is consigned.

(Purnendu Singh, J)

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