

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6327 of 2025

Paras Nath Prasad Son of Late Binda Prasad, Resident of Village/Mohalla-Kathalbari, Bhandar Chawk, P.O.- Lalbagh, P.S.- L.N.M.U. Campus, District-Darbhangha, PIN- 846004.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Higher Education, Bihar, Patna.
5. The Incharge-cum-Authorized Officer, Pay Verification Cell, Education Department, Government of Bihar, Patna.
6. The Vice-Chancellor, L.N.Mithila University, Darbhanga.
7. The Registrar, L.N.Mithila University, Darbhanga.
8. The Finance Officer, L.N.Mithila University, Darbhanga.
9. The Nodal Officer/Admin, Pay Verification Committee, L.N.Mithila University, Darbhanga.
10. The Incharge, Pay Verification Committee, L.N.Mithila University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar, Advocate Mr.Pranav Kumar, Advocate
For the University	:	Mr.Manoj Kumar Singh, Advocate
For the Respondent/s	:	Standing Counsel (12)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-04-2025 Heard Mr. Alok Kumar along with Mr. Pranav Kumar, learned counsel appearing on behalf of the petitioner; Mr. Manoj Kumar Singh, learned counsel for the University and the learned counsel for the State.

2. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner was initially appointed as Typist on 07.04.1977 in the pay scale of Rs.244-356/- and thereafter, he was promoted to the post of Stenographer-III on 14.04.2003 in the pay scale of Rs.950-1360/- with effect from the date juniors to him were promoted to the post of Stenographer-III. The post of the Stenographer was redesignated as Personal Assistant, vide office Order No.12937-76/96 dated 06.09.1996. The petitioner retired from the post of Personal Assistant on 31.10.2016. The pay pay scale of the petitioner was fixed and approved by the Statutory Pay Fixation Committee of the University. 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.02062008023955, the basic pay of the petitioner has been reduced from Rs.28,068/- to Rs.25,330/- and, thereafter, the Registrar of the University relying on receipt no.02062008023955 issued PPO bearing Letter No.3128/25 dated 17.03.2025 (**Annexure '8'**) by which the basic pension of the petitioner fixed on 01.11.2016 has been reduced from Rs.14,235/- to Rs.12,045/-. Accordingly, total amounting to Rs.26,17,211/-, paid under the different heads after his retirement, has been directed to be recovered from his



pensionary benefits. Learned counsel further submitted that before reducing the basic pay of the petitioner, no notice whatsoever has been given to the petitioner.

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 the Court has 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 also 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. The Additional Chief Secretary, Education Department, Government of Bihar and the Registrar/Finance Officer are 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 is directed to take action forthwith upon receipt of the requisite information in the light of order contained in CWJC No.7636 of 2014.

8. In the light of the mandate contained in CWJC No. 7636 of 2014, **Annexure-P/8** is made inoperative.

9. Accordingly, the Writ Petition is disposed of.

(Purnendu Singh, J)

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