

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10289 of 2020

Devendra Jha, Son of Late Ram Aautar Jha Resident of Village- Lakshmipur,
Ward No.3, P.S.- Belsand, District- Sitamarhi, the retired Store Keeper,
Jagannath Singh College, Chandauli, P.S. Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. The Registrar, B.R.A. Bihar University, Muzaffarpur.
6. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.
7. The Principal, Jagannath Singh College, Chandauli, P.S. Belsand, District- Sitamarhi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10360 of 2020

Kameshwar Prasad Son of Bharat Prasad Resident of Ward No. 7, Bairgania,
P.O. and P.S.- Bairgania, District- Sitamarhi, the retired Head Assistant,
Jagannath Singh College, Chandauli, P.S.- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. The Registrar B.R.A. Bihar University, Muzaffarpur.
6. The Finance Officer B.R.A. Bihar University, Muzaffarpur.
7. The Principal Jagannath Singh College, Chandauli, P.S.- Belsand, District- Sitamarhi.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 10289 of 2020)

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate.

For the respondents : Mr. Indrajesh Kumar, Advocate.



For the State : Ms. Namrata Singh, Advocate.
(In Civil Writ Jurisdiction Case No. 10360 of 2020)
For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate.
For the respondents : Mr. Indrajesh Kumar, Advocate.
For the State : Ms. Namrata Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 04-02-2025 Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioners; Mr. Indrajesh Kumar, learned counsel for the respondents and Ms. Namrata Singh, learned counsel for the State, in both the writ applications.

2. As the issue involved in both the writ applications are similar, they are being heard together and are being disposed of by a common order.

3. Learned counsel appearing on behalf of the petitioners informs that the Vice-Chancellor of the University has, in fact, deliberately and willfully not respected the order passed by the Apex Court in Civil Appeal No. 516 of 2013 arising out of SLP(C) No. 22617 of 2008 and also has not complied with the order of the Education Department dated 23.08.2016 contained in Memo No. 1340, wherein it has been held that the Assistants appointed against the sanctioned post are entitled to get salary in the pay scale of Rs.5500-9000/- w.e.f. 01.04.1997. Learned counsels submitted that the petitioner Devendra Jha was appointed on 02.07.1979 and the petitioner Kameshwar Prasad was appointed on 23.02.1976 and they are



aggrieved for having not been paid in required pay scale i.e. Rs.5500-9000/- approved by the State Government.

4. Ms. Namrata Singh, learned counsel appearing on behalf of the State referring to Para-12 of the counter affidavit filed on behalf of the respondent nos. 2 and 3 has also submitted that the State Government in compliance of the law laid down by the Apex Court in Civil Appeal No. 516 of 2013, arising out of SLP(C) No. 22617 of 2008 has directed the concerned University for making payment of pay scale of Rs. 5500-9000/- w.e.f. 01.04.1997 to the petitioners and finally the State counsel has come with the said letter complying with the order / directive of the Apex Court.

5. Heard the parties.

6. Having heard the rival submissions made on behalf of the parties, as well as, the clear direction of the Apex Court in Civil Appeal No. 516 of 2013 arising out of SLP(C) No. 22617 of 2008, as well as, the letter of the State Government contained in Memo No. 1340 dated 23.08.2016 prescribing pay scale of Rs. 5500-9000/- w.e.f. 01.04.1997 to all the Assistants appointed against the sanctioned post, the University has though recognized the petitioners to be posted on vacant sanctioned post and also found them to be entitled for ACP which was paid



to the petitioners at a lower pay scale of Rs.4000-6000/- which is against the mandate of the law laid down by the Apex Court.

7. The Vice Chancellor of the University was directed to file counter affidavit and after much indulgence, till date the Vice Chancellor has not turned up to file counter affidavit.

8. I find that the mandate of the law laid down by the Apex Court in Civil Appeal No. 516 of 2013, arising out of SLP(C) No. 22617 of 2008 is self explanatory.

9. The Vice Chancellor, B.R.A. Bihar University must not delay, in any manner, to grant relief to which the petitioners are entitled in light of the judgment passed by the Apex Court in Civil Appeal No. 516 of 2013, arising out of SLP(C) No. 22617 of 2008.

10. This Court appreciates the step taken by the State and the clarification made by the State counsel who has found that the petitioners are entitled to the pay scale of Rs. 5500-9000/- prescribed for the sanctioned post of Assistant.

11. In such circumstances, I direct the Vice Chancellor, B.R.A. Bihar University, Muzaffarpur to call for the service particulars relating to the petitioners and take corrective measures in so far as the entitlement of the petitioners in pay scale of Rs.5500-9000/- prescribed for Assistant and



communicate the decision to the petitioners and make payment to the petitioners on the prescribed pay scale along with the arrears within a period of four weeks from the date of communication of this order, failing which this Court will hold the Vice-Chancellor of the University to be responsible for delaying the legitimate right of the petitioner which has not been settled till date and the amount which has not been paid will be required to be paid from the pocket of the Vice Chancellor and all the concerned erring officers of the University.

12. For any inaction on the part of the authorities of the University including the Vice Chancellor, the petitioner may also take appropriate legal action against them in accordance with law.

13. The writ petitions stand disposed of.

(Purnendu Singh, J)

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