

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11450 of 2019

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1. Pradip Kumar Singh Son of Late Ram Kripal Singh R/o Mohalla-Ward No. 2, Azad Nagar, Post Office/Police Station-Bhabhua, District-Kaimur
 2. Jai Prakash Singh S/o Late Ram Nagina Singh R/o Ward No. 5, Kanchan Nagar, Post Office/Police Station-Bhabhua, District-Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department (Higher), Bihar Government, Patna-1
2. The Special Secretary Education Department, Government of Bihar, Patna-1
3. The Director Higher Education Department, Government of Bihar, Patna-1
4. Veer Kunwar Singh University through its Registrar, Ara
5. The Vice Chancellor Veer Kunwar Singh University, Ara
6. The Registrar Veer Kunwar Singh University, Ara
7. The Finance Officer Veer Kunwar Singh University, Ara
8. The Pay Verification Cell Education Department, Government of Bihar, Patna-1
9. The Principal S.V.P. College, Bhabhua, Kaimur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Vivek, Advocate Mr. Rang Nath Pandey, Advocate Mr. Debesh Kr. Poddar, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey, AAG-15
For the V.K.S.U.:	:	Mr. Kinkar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

6 23-09-2025 Learned counsel for the petitioners, learned counsel
for the University and learned counsel for the State are present.

2. The petitioners have filed this writ petition for
following reliefs: -

*1) For issuance of an appropriate
writ/writs/order/orders/direction/directions commanding
the Respondents to quash the un communicated decision of*



reduction of pay scale of the petitioners by the Pay Verification Cell, vide Pay Education Department vide Pay Verification Letter No. 05111804020938 and 14011904021406 contained in Annexure-3 Series of the application whereby pay scales have been reduced from 9300-34,800 (Grade Pay- 4200) to 5200-20200 (grade Pay- 28000) without any notice.

(ii) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the Respondents to for quashing the Letter No. 151 dated 26.2.2019 whereby representation of the petitioner no. 1 was rejected.

(iii) For issuance of any appropriate writ/writs/order/orders/directions commanding the Respondents to stay the decision of Pay Verification, Cell, Education Department, Government of Bihar, Patna reducing the pay scale of the petitioners during the pendency of this application.

(iv) For issuance of any appropriate writ/writs/order/orders/directions to which the petitioners entitled in accordance with law.

3. Learned counsel for the petitioners submits that on the objection of Pay Verification Cell of Education Department Verification Letter Nos. 05111804020938 and 14011904021406 has been issued whereby the pay scale has been reduced from Rs. 9300-34,800 (Grade Pay-4200) to 5200-20200 (Grade-2800), while there is no such pay scale available in terms of the



resolution dated 06.03.2019 appended as Annexure-2.

4. It has next been submitted that on issuance of certificates of verification by the Pay Verification Cell, Education Department, the University without seeking any explanation from these petitioners has reduced the pay scale by fixing their pay to a scale which is not provided in the University service and as such the action of the respondents is contrary to the decision rendered by a Co-ordinate Bench of this Court passed in ***C.W.J.C. No. 7636 of 2014, Dr. Kedar Nath Pandey & Ors. v The Magadh University, Gaya & Ors,*** wherein, on the objection of the Verification Cell, the authorities under the University were required to issue notices to the concerned teaching or non-teaching staff and thereafter, follow up actions were required and in order to buttress the submissions, the learned counsel for the petitioners relies upon Para 16 & 17 of the said judgment, which are as follows:-

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 as 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 or 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 infirmity 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.



5. On the other hand, learned counsel representing the University does not dispute the factual and legal position, however, submits that apparently from the decision so taken, it does not appear that the verdict rendered by a Co-ordinate Bench of this Court in the case on ***Dr. Kedar Nath Pandey (supra)*** has been followed. Therefore, the authorities are required to carry out exercises in terms of the said judgment and take a decision by treating the objection of the Pay Verification Cell to be an audit objection and accordingly, further follow up action shall be taken.

6. Considering the above, the instant writ petition is disposed of with a direction upon the respondent concerned to carry out the entire exercise within a period of three months from the date of such representation thereafter and if it is found that the petitioners are entitled to the pay scale of 93,00-34,800 (Grade Pay-4200), then the same shall be granted in favour of the petitioners and consequential benefits shall also be extended in favour of the petitioners within a further period of eight weeks.

7. It goes without saying that on such exercise having been carried out in terms of the judgment rendered in ***Dr. Kedar Nath Pandey*** and if it is decided by the University that the



petitioners are entitled to the said pay scale, then the necessary follow up action shall be taken by the State to ensure that the benefits which accrued in favour of these petitioners on such consideration finally reaches to them.

8. It is made clear that if requirement of petitioners co-operation is necessitated in this case, on valid communication the petitioners shall ensure full co-operation for adjudication of their grievances.

(Ajit Kumar, J)

Jyoti Kumari/-

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