

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11047 of 2025

Upendra Prasad Singh, S/o Late Ramashray Singh, Resident of - Subhanpur,
P.S.-Barbiga, District - Sheikhpura, retired as Store Keeper, M.P. Sinha
Science College, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
4. The Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
6. The Finance Officer, B.R. Ambedkar Bihar University, Muzaffarpur.
7. The Incharge, Pay Verification Cell, Budhmarg, Patna.
8. The Principal, M.P. Sinha Science College, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, Government Advocate (07)
For the University	:	Mr. Bindhyachal Rai, Advocate
		Mr. Sunil Kumar Karan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2025 Heard Shashi Bhushan Singh, learned counsel

appearing on behalf of the petitioner; Gyan Prakash Ojha,

learned Government Advocate (07) for the State and Mr.

Bindhyachal Rai, along with Mr. Sunil Kumar Karan, learned

counsels appearing on behalf of the University.

2. Petitioner has *inter alia* prayed for following reliefs
in the paragraphs No.1 of the writ petition:-

“(i) For issuance of an appropriate writ in



the nature of for certiorari for quashing the fixation made by the respondent no.5 on 13.02.2024 by which pay scale of the petitioner has been slashed down to Rs. 9300-34,800/- Grade pay 4200 /- as on 15.02.2006 after retirement and also for quashing pay slip issued after retirement dated 24.5.2024 by Pay Verification Cell by which the pay verification cell has treated the petitioner as Lower Divisional Clerk in place of Store Keeper and lower down his pay scale Rs. 5200-20200/- Grade pay 1900 /- in place of Rs. 9300-34,800/- Grade pay 4600 /- on 15.02.2006 whereas the statutory pay fixation Committee of the university has fixed the pay scale as per entitlement i.e. in the pay scale of Rs. 9300-34,800/- Grade pay Rs.4600/-on 15.02.2006 and on account of revision the petitioner has been placed at pay level -7 and on account of grant of Ist MACP w.e.f. 15.02.2016 the petitioner's pay point as on 01.01.2022 was Rs. 72100/-

(ii) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondents to pay rest amount (25%) of total difference of salary on account of Six Pay Revision amounting Rs. 17,04,527/- for the period of 15.02.2006 to 30.09.2016 and also for a direction for payment of difference of salary on account of 7th Pay Revision amounting Rs. 2,57,454/- for the period of 01.04.2017 to 30.03.2019.

(iii) For a direction to pay the aforesaid amount to the petitioner with interest as laid down by the Hon'ble Court in terms law laid down in CWJC no. 14633 of 2010 in order dated 7.5.2013 with interest at the rate of 12%.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. The main contention raised on behalf of the petitioner is that the Registrar has no jurisdiction to review his own order under the Bihar Universities Act and in this regard learned counsel has relied upon an order dated 03.09.2010 passed by a co-ordinate Bench of this Court in CWJC No.12492 of 2010 (**B.R.A. Bihar University Employees Association and Ors. Vs. the V.C. Babashaheb Bhimrao Ambedkar Bihar University and Ors.**) and order dated 13.04.2021 passed in



CWJC No.4722 of 2020 (**Indranath Jha Versus the State of Bihar & Ors.**), in which the learned Single Judge after relying upon the judgment of the Apex Court in case of **State of Bihar Vs. Sunny Prakash** reported in **(2013) 3 SCC 559** had disposed of the writ petition. On these grounds, learned counsel seeks for interference of this Court.

4. Learned counsel appearing on behalf of the State has submitted that the petitioner has filed CWJC No. 17503 of 2022, which is pending before this Court in respect of applicable date of salary of the present petitioner.

5. The statute don't provide power to the Registrar to review his own order. The power vests with the statutory pay fixation committee and any departure in the matter of pay fixation and objection raised by the pay verification cell would amount to contempt of Court. The Apex Court's judgment in case of **Sunny Prakash (Supra)** is binding on the University and the State.

6. Accordingly, the order dated 13.02.2024 passed by the Registrar of the University (Annexure 13) and order dated 24.05.2024 passed by the concerned officer of pay verification Cell (Annexure 14) are hereby set-aside and quashed. The petitioner may approach the statutory pay fixation committee for



fixation of his pay and if the pay fixation committee finds no infirmity in the earlier fixation of pay by the Committee then the Registrar of the University must proceed to make payment of due salary to the petitioner from the date when he was finally regularized. However, the same would be subject to final outcome of CWJC No.17503 of 2022, as it has been submitted by learned counsel for the State that the petitioner has filed CWJC No. 17503 of 2022, which is pending before this Court in respect of applicable date of salary of the present petitioner.

7. The writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

