

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15145 of 2025

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Indra Kumar Das S/o Late Kulanand Das, Resident of 17, Teachers Flat,
M.D.D.M. College Campus, Club Road, Mushari, Ramna, District-
Muzaffarpur retired as Section Officer, M.D.D.M. 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 Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
4. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
5. The Finance Officer, B.R. Ambedkar Bihar University, Muzaffarpur.
6. The Principal, M.D.D.M. College, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the Respondent/s : Mr. Bindhyachal Rai, SC-6

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-09-2025 Heard the parties.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the concerned respondents to grant admissible pay scale of Rs. 5500-9000 as on 01.01.1996 and further extend the benefit of ACP and MACP in view of the law laid down by the Hon'ble Supreme Court in Civil Appeal No. 516 of 2013, as also the letter issued by the State Government in pursuant to the aforementioned decision contained in memo no. 1192 dated 23.06.2014 and also to pay all the consequential benefits thereupon.



3. The petitioner was duly appointed as an Assistant on 10.02.1985 and subsequently on being found him ineligible, the Vice Chancellor of the University granted approval to the appointment of the petitioner with effect from 10.02.1986 and accordingly vide memo no. B/1960 dated 02.08.2004, the services of the petitioner was duly confirmed alongwith other persons.

4. Mr. Shashi Bhushan Singh, learned Advocate for the petitioner submitted that the issue with respect to the pay scale of non-teaching employees was under consideration and since they were not allowed the admissible pay scale as also the benefit of ACP and MACP, they have approached before this Court in C.W.J.C. No. 10870/2008 (Sunny Prakash vs. The State of Bihar & Ors.). The aforesaid writ petition came to be disposed off by a Division Bench holding the employees of the University entitled to get admissible pay scale at par with the Government employees as also the benefit of ACP/MACP. In terms with the order of this Court as referred hereinabove, the State Government issued a notification contained in memo no. 1192 dated 23.06.2014, by which it has been duly notified that pay scale of the Assistant would be Rs. 5500-9000/- as on 01.01.1996. Notwithstanding the aforesaid decision, the



petitioner has been allowed only the pay scale of Rs. 4000-6000/- as on 01.01.1996, instead of the pay scale of Rs. 5500-9000/-, he approached the authorities concerned, but to no effect. It has further been contended that the entire issue has again come up for consideration in C.W.J.C. No. 22953 of 2018, wherein the Court has crystallized the matter and held the petitioners of those writ petitions entitled to the admissible pay scale and the benefit of ACP/MACP.

5. It is the specific contention of the petitioner that other identically situated persons who are working as an Assistant in different Universities, are getting the pay scale of Rs. 5500-9000/- as on 01.01.1996 and on account of completion of 12 years of service, 1st ACP has been given in the pay scale of Rs. 6500-10500/- and further on account of 2nd ACP, they were extended the pay scale of Rs. 10000-15200/-, but discrimination has been caused and the petitioner has not been allowed the admissible pay scale as also the benefit of 1st and 2nd ACP, and without extending such benefit, he has been allowed to superannuate on 31.10.2020. In the aforesaid premise, left with no option, the petitioner has approached this Court.

6. On the other hand, the learned Advocate for the State at the outset submits that the matter requires consideration



and for the said purpose he seeks a short adjournment to file counter affidavit.

7. Having considered the nature of the relief and the submissions set forth by learned Advocate for the petitioner, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent nos. 3 and 4 to look into the grievance of the petitioner as mentioned in paragraph no. 1 and 14 of the writ petition, in the light of the referred decisions and the discussions made hereinabove, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

8. With the aforesaid direction, the present writ petition stands disposed off.

(Harish Kumar, J)

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