

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.370 of 2025

Pradeep Kumar Choudhury S/O Late Nani Gopal Choudhury Resident of G.B
Road, Opposite Gaya Head Post Office, Gaya, P.S.- Civil Lines, District Gaya
... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, New Secretariat, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, New Secretariat, Patna.
4. The Magadh University, Bodh Gaya through its Registrar.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. The Finance Officer, Magadh University, Bodh Gaya.
8. The Principal, A.M. College, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate
For the Respondent/s : Mr. AC to GP-7

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 03-07-2025

Heard learned counsel for the petitioner, learned AC to GP-7 for the State and learned counsel appearing on behalf of the University.

2. Learned counsel for the petitioner submits that the instant writ application has been filed for a direction upon the respondents to make payment of the arrears of difference of salary to the petitioner for the period 01.04.1997 to 31.10.2014 to the tune of Rs.8,92,680/- which has still not been paid by the respondents and which the petitioner is entitled to be paid on account of grant of 5th



and 6th pay revision to the University employees. Further, for commanding the respondents to make payment of the above mentioned amount to the petitioner along with statutory interest @ 18% since the same has not been paid to the petitioner despite the petitioner being entitled for payment and the delay has been caused by the respondent authorities in not making payment to the petitioner despite repeated request.

3. It is further submitted that petitioner was appointed as Office Assistant (Junior Grade) vide letter no. 608/77 dated 23.12.1977 issued under the signature of the Secretary, Governing Body, A.M. College, Gaya, pursuant whereof the petitioner gave his joining before the Principal, A.M. College, Gaya on 02.01.1978 and started discharging his duties. Subsequently, the college became a constituent unit of Magadh University, Bodh Gaya.

4. It is next submitted that vide letter no. 351/GI dated 13.03.1986 issued under the signature of the Registrar, Magadh University, addressed to the Principal, A.M. College, Gaya it was intimated that pursuant to the letter no. 209/83 dated 10.05.1983 of the Principal, the Vice-Chancellor has approved the recommendation of the Promotion Committee dated 17.03.1983 of the College regarding promotion of the persons on the post mentioned against their respective names. The petitioner, accordingly, was promoted to the post of Lab In-Charge, Chemistry. It is also submitted that vide



office order contained in letter no. 179/GIC dated 20.11.2006 issued under the signature of the Registrar, Magadh University, it was notified that on the recommendation of the Three Member Committee constituted by the Vice-Chancellor for compliance of letter dated 14.06.2006 and 01.08.2006 of the Human Resources Development (Higher Education) Department, Government of Bihar, 8 Graduate Laboratory Technicians/Lab In-Charge of A.M. College, Gaya in the services of Magadh University, who possessed the qualification of Graduation (equivalent to the eligibility for Demonstrator) are being redesignated as Demonstrator from the date mentioned against their names in the pay scale approved by the State Government and in anticipation of the approval of the Bihar State University (Constituent College) Service Commission. It was further notified that after redesignation as Demonstrator they will be entitled for all the benefits and promotion attached to the post of Demonstrator. It is further submitted that thereafter the pay verification certificate was also issued in favour of the petitioner by the Pay Verification Cell constituted by the Department of Education, Government of Bihar, Patna whereby petitioner has been designated as Demonstrator and his pay fixation was done by the Statutory Pay Fixation Committee of the University. It is next submitted that the petitioner superannuated from the post of redesignated Demonstrator on 31.10.2014 and has received all his post retiral benefits. It is also



submitted that the pay scale of the University and the College employees was revised and the benefits of 5th and 6th pay revision was granted, however, the arrears of difference of salary for the period 01.04.1997 to 31.10.2014 was not paid to the petitioner and employees similarly situated like him. It is further submitted that from the statement of arrear claim of the petitioner from 01.04.1997 to 31.10.2014 i.e. till the date of his retirement, it would manifest that petitioner is entitled for payment of arrear of difference of salary of Rs.8,92,680/-.

5. It is submitted that the college vide letter dated 20.07.2021 (Annexure-5) has already sent the bill to the University but the payment till date has not been made. The petitioner had also represented by representation dated 24.04.2023 (Annexure-6) before the Principle of the College but still no action was taken for payment of arrears.

6. Learned counsel appearing on behalf of the University fairly submits that from the pleading made in the writ application, it appears that the claim of the petitioner is genuine but then that is subject to the decision taken by the authority of the University. As such, it is submitted that the writ application can be disposed of with a direction to file a fresh representation before the Registrar of the University seeking redressal of his grievance as raised in the instant writ application.



7. Learned counsel appearing on behalf of the petitioner submits that fresh representation before the Registrar of the University shall be filed on or before 18.07.2025.

8. After hearing learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a fresh representation before the Registrar, Magadh University, seeking redressal of his grievance as raised in the instant writ application. It is made clear that if a representation is filed by the petitioner on or before 18.07.2025, seeking redressal of his grievance, in that event, the Registrar, Magadh University shall consider and dispose of the same within a period of two months thereafter, after giving proper opportunity of hearing to the petitioner.

9. It is further made clear that if the grievance of the petitioner is found legitimate in that event the payment shall also be made within a period of 15 days thereafter.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	04.07.2025
Transmission Date	

