

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1861 of 2025

Amit Kumar Jha Son of Late Subodh Kumar Jha, resident of East of Om Talkies, Ward No. 21, Bhirkhi, P.O. and P.S. Madhepura, District- Madhepura, Presently working as Laboratory Incharge, Physics Department, B.N. Mandal Commerce College, Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. The Authorized /Incharge Officer, Pay Verification Cell, Education Department, Government of Bihar, Patna.
5. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
6. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
7. The Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura.
8. The Principal, B.N. Mandal Commerce College, Madhepura, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Adv. Mr. Abhinav Sandilya, Adv.
For the Respondent/s for the University	:	Mr. Akhileshwar Singh, AC to GA-2 Mr. Apurva Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-02-2025 1. Heard learned counsel for the petitioner, learned
AC to GA-2 and the learned counsel appearing on behalf of the
B.N. Mandal University.

2. The learned counsel for the petitioner submits that
the instant writ application has been filed for quashing the pay
verification letter issued vide receipt No. 0508220500036 by the
Education (PVC) Department, whereby and whereunder the pay



verification cell of the Education Department treated the petitioner as Peon though the respondent-University had modified the appointment of the petitioner from Peon to the post of Routine Clerk and subsequently Laboratory In-charge since the date of his initial appointment and also reduced the pay scale of the petitioner from the pay scale of Rs. 3050-4590 to pay scale of Rs. 2550-3200 with effect from the date of his initial appointment, Grade Pay- 1900 to Grade Pay-1800 with effect from 01.01.2006 as also from the Grade Pay-2000 to Grade Pay-1900 with effect from 04.12.2014, on account of grant of first MACP contrary to the fixation made by the statutory Pay Fixation Committee of the University on the ground that pay verification cell has no authority to reduce the salary of the petitioner, as held by this Court in catena of decisions and also letters of the Education Department, further for a direction upon the respondent university not to alter the fixation made by the respondent-university in view of the fixation made by the Pay Verification Cell of the Education Department, further to pay the differences of arrears of the salary of the petitioner and other consequential benefits with interest in view of the fixation made by the respondent-university, apart from other reliefs.

3. The learned counsel appearing on behalf of the



petitioner further submits that the only ground on which the impugned pay verification certificate is being challenged is that the same has been issued in complete breach of the principles of natural justice, i.e., the petitioner was never given any opportunity to explain his side of the case. It is next submitted that the case is squarely covered by an order dated 13-11-2024 in CWJC No. 16104 of 2024 (Suray Deo Paswan vs the State of Bihar & Ors.).

4. Learned counsel appearing on behalf of the State submits that though in the writ application, it has been pleaded that the pay verification certificate was issued without issuing any notice to the petitioner, but then the pay verification cell issues objections to the concerned university and the concerned university thereafter seeks an explanation from the employee concerned and once the employee furnishes his explanation, the university reverts back to the State Government and if the explanation furnished by the employee or the university concerned is not accepted by the pay verification cell, in that event, the university is directed to issue a corrigendum, on which, the learned counsel appearing on behalf of the petitioner submits that what has been submitted by the learned State counsel cannot be countenanced, but then a specific pleading



has been made at para 20 and 21 of the writ application that the pay verification certificate was issued without seeking any explanation from the petitioner. It is thus submitted that the decision to scale down the salary of the petitioner by the pay verification cell along with the post is unilateral and is in complete violation of the principles of natural justice and thus cannot be countenanced. It is also submitted that this Court in CWJC No. 16104 of 2024 (Suray Deo Paswan vs the State of Bihar & Ors.) had quashed the pay verification certificate and had remanded the matter back to the authority for considering it afresh, in accordance with law, by an order dated 13-11-2024.

5. After hearing the learned counsel for the parties, the writ application is allowed and the pay verification letter issued vide receipt No. 0508220500036 is hereby quashed on the ground that the same has been issued in complete violation of the principles of natural justice, as held by this Court in CWJC No. 16104 of 2024 (Suray Deo Paswan vs the State of Bihar & Ors.) and the Director, Higher Education, Education Department, Government of Bihar, Patna is directed to proceed afresh, in accordance with law.

6. It goes without saying that the petitioner would be entitled all the benefits of post including salary which he was



getting prior to the issuance of the pay verification certificate until and unless a decision in accordance with law is not taken.

7. It is further made clear that if the authorities come to a conclusion that the pay verification certificate was issued after issuing show-cause/hearing to the petitioner, in that event, the present order shall not be given effect too.

(Satyavrat Verma, J)

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