

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.692 of 2025

Akhilesh Kumar Son of Late Shivji Yadav, Resident of Shivaji Nagar, Ward No.1, P.O. and P.S. Madhepura, District- Madhepura, presently working as Laboratory Incharge, Physics Department, Parbati Science 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, Parbati Science College, Madhepura, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
Mr. Abhinav Shandilya, Adv
For the Respondent/s : Mr. Deepak Kumar, AC to AAG-7
Mr. Apurva Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-01-2025 1. Heard learned counsel for the petitioner, learned AC
to AAG-7 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 vide receipt No. 0608220500198 issued by the Education (PVC) Department, whereby the pay verification cell of



the Education Department treated the petitioner as Orderly Peon, when the respondent-University earlier had modified the appointment of the petitioner as Routine Clerk and thereafter as Laboratory In-charge from the post of Peon since the date of his initial appointment, further the pay verification cell had reduced the pay scale of the petitioner from the pay scale of Rs. 3050-4590 to pay scale of Rs. 2550-3200, Grade Pay 1900 to Grade Pay 1800 with effect from 1-1-2006 as also from Grade Pay 2000 to Grade Pay 1900 with effect from 10-12-2014 on account of grant of first MACP contrary to the fixation made by the statutory Pay Fixation Committee of the respondent-University, when pay verification cell has no authority to reduce the salary of the petitioner as held by this Court in catena of decisions and letters issued by the Education Department, unilaterally.

3. The learned counsel for the petitioner next submits that the only ground on which the impugned pay verification certificate is being challenged is that the same has been issued in complete violation 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 for 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.

5. The learned counsel for 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 20-21 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 is unilateral and is in complete violation of the principles of natural justice and thus cannot be countenanced. It is next 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.

6. After hearing the learned counsel for the parties, the



writ application is allowed and the pay verification letter issued by receipt No. 0608220500198 is hereby quashed on the grounds 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.

7. It goes without saying that the petitioner would be entitled to the 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.

8. It is 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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