

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1901 of 2026

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Md. Naiyer Ekwel Son of Abdul Wahed, Resident of Dak Bangla Road,
Kagaji Mohalla, Police Station- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Patliputra University, Patna.
4. The Registrar, Patliputra University, Patna.
5. The Finance Officer, Patliputra University, Patna.
6. The Principal, Soghra College, Bihar Sarif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate
For the Respondent/s	:	Mr. Kumar Pankaj, AC to SC-5
		Mr. Rana Vikram Singh, Advocate
		Ms. Rasika, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 05-02-2026 Heard learned counsel for the petitioner and

learned counsel for the respondents.

2. The instant writ application has been filed for the
following reliefs:-

(i) For quashing the pay slip issued by the Pay Verification Cell (Annexure-P/7) by which the pay scale of the petitioner fixed by the Statutory Pay Fixation Committee of the University has been slashed down by Pay Verification Cell without authority of law and even without issuance of any show cause notice, as the Statutory Pay Fixation Committee had given pay scale of Rs.9300-34,800/-, Grade Pay-4200/- but the same has denied by Pay Verification Cell whereas under the similar circumstances other employee has been



given the same pay scale.

(ii) For directing the respondent authorities to grant the pay scale which has been given by the Pay Verification Cell in the pay scale of Rs.9300-34,800/- Grade Pay 4200/- given in view of notification of State Government by which after completion of five years of service Rs.4200/- grade pay is to be given and further direction to make payment to all consequential benefit to the petitioner.

(iii) For any other relief(s) to which the petitioner is found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the pay scale fixation made by the Statutory Pay Fixation Committee of the University has been slashed down by the Pay Verification Cell, contrary to the ratio laid down in the judgment rendered by the Hon'ble Apex Court in *State of Bihar vs. Sunny Prakash*, reported in (2013) 3 SCC 559, wherein it has been categorically held that the State authorities have no jurisdiction to interfere with the pay fixation made by the Statutory Pay Fixation Committee. Relying upon the aforesaid judgment, the Coordinate Bench of this Court, in a similar matter being CWJC No. 4722 of 2020, vide order dated 13.04.2021, has held as follows:

“....In view of the above, the writ application is allowed. The respondents are directed to adhere to the determination of the pay fixation made by the Statutory Committee of the



University, as contained in Annexure-2. The University is obliged to grant all the benefits available to the petitioner in terms of the judgment of the Apex Court in Sunny Prakash case (supra) and ensure payment of entire dues on the basis of pay fixation as contained in Annexure-2 and the judgment of the Apex Court in Sunny Prakash case (supra) within a maximum period of three months from the date of receipt/production of a copy of this order.

In the event, payment is not made in terms of the judgment of the Apex Court in Sunny Prakash case (supra) and the pay fixation done by the University, as contained in Annexure-2, within the aforesaid period, the petitioner shall be entitled to interest at the rate of 12% per annum from the date of retirement till the date of actual payment, which shall be borne out from the pocket of Vice-chancellor of the University and the Director, Higher Education, Government of Bihar.”

4. Learned counsel for the petitioner further submits that in a similar case, adjudicated by the Coordinate Bench of this Court in CWJC No. 11918 of 2014, vide order dated 19.04.2024, the issues at hand have been deliberated, relying upon the judgment rendered by the Hon’ble Apex Court in the case of Sunny Prakash (supra), wherein the interference of the State Government in the pay fixation made by the Statutory Committee has been held to be without jurisdiction.

5. On the other hand, learned counsel for the State submits that a representation has already been filed by the petitioner before the In-charge Officer, Pay Verification Cell,



Education Department, Patna; however, he has not been made a party in the present case. Therefore, appropriate directions may be issued to the petitioner to file a proper representation before the Director, Higher Education, Department of Education.

6. Mr. Rana Vikram Singh, learned counsel appearing for Patliputra University, submits that the Statutory Pay Fixation Committee has already fixed the pay scale of the petitioner, which has been interfered with by the State Government, which is the subject matter of challenge before this Court, and for the present they have no role to play in the matter.

7. Considering the submissions advanced on behalf of the parties, this Court finds it appropriate to direct the petitioner to file a detailed representation along with all supporting materials, including a copy of this order as well as the judgment covering the issues in question, before the Director, Higher Education, Department of Education, Patna, within a period of four weeks from today for redressal of his grievances. Upon receipt of such representation, the Director, Higher Education, Department of Education, Patna, shall consider the case of the petitioner and adjudicate his claim strictly in consonance with the ratio laid down by the Hon'ble Apex Court in *Sunny Prakash* (supra), and necessary orders shall be passed within a period of eight weeks from the date of receipt of the



representation.

8. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Ajit Kumar, J)

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