

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1386 of 2025

Lakshmeshwar Pathak Son of Vedanand Pathak, Resident of Mohalla- Raj Sipahi Lain, LNMU Campus, P.S.- LNMU, District- Darbhanga, Pin Code- 846004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Vikash Bhawan New Secretariat, Bihar, Patna.
3. The Secretary, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
4. The Deputy Secretary, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
5. The Director, Higher Education, Education Department, Vikash Bhawan New Secretariat, Government of Bihar, Patna.
6. The In-charge, Pay Verification Cell, Education Department, Government of Bihar, Patna.
7. The Lalit Narayan Mishra University, Kameshwarnagar, Darbhanga through its Registrar.
8. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
9. The Registrar, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.
10. The Finance Officer, Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kaushalesh Choudhary, Advocate
For the Respondent/s	:	Mr. Ajay Bihari Sinha, Sr. Adv. (GA-8)
		Mr. Neeraj Raj, AC to GA-8
For LNMU University	:	Mr. Apurva Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 17-03-2026 Heard learned counsel for the petitioner, learned counsel appearing for the respondent-State and learned counsel for respondent University.

2. With the consent of all the parties, this writ



application is being disposed of in the following terms.

3. The petitioner in the present writ application has prayed for the grant of following reliefs:

“(i) For issuance of an appropriate writ in the nature of CERTIORARI, for quashing the Pay Revision Letter, issued to the petitioner, by the Pay Verification Cell of Education Department, Government of Bihar, Patna, unilaterally, vide Receipt No. 1108220801332, as the Pay Revision letter has been issued on the basis of letter no. 2792 dated 22.07.2023, issued by the Director, Higher Education, Education Department, Bihar, Patna, though the aforesaid letter has already been repealed, vide order contained in Memo No. 15/C-2-615/2023 4498 dated 25.10.2024, issued by the Education Secretary, Deputy Department, Government of Bihar, Patna, but ignoring the letters the L.N.M University, has issued direction to the concerned authorities for revision of basic pay of the writ petitioner and subsequently revision of his monthly pension as well as for recovery of the amount from his post retirement benefits as well as monthly pension, on the basis of the pay verification letter, issued by the PVC, as the petitioner has already been



superannuated from service w.e.f. 31.01.2024 from the post of Typist cum Assistant, from Account Section of LNM Kameshwarnagar, Darbhanga, University, as the aforesaid pay revision letter has been issued in contrary to different provisions of Bihar State University Act, 1976, Judgments/orders passed by Hon'ble Patna High Court and the Hon'ble Apex Court and also contrary to different letters / circulars, issued by the Education Department, Govt. of Bihar, resultantly the petitioner shall suffer from huge financial loss, as the actions of the concerned respondents are also violative of the Judgment and order of the Hon'ble Apex Court in Civil Appeal No. 516/2013 (State of Bihar Vs Sunny Prakash) as well as contrary to the Letter No. 15/C 7-10/2014-2162 dated 15.12.2020, issued by the Special Secretary, Education Department, Bihar, Patna, Letter No.1448 dated 22.07.2015 issued by the Education Department, Government of Bihar, Patna, and also contrary to the order contained in Memo No. 15/C-2-615/2023 4498 dated 25.10.2024, issued by the Deputy Secretary, Education Department, Government of Bihar, Patna.

(ii) For issuance of appropriate direction to the authority concerned,



restraining them from making any recovery from the post retiral benefits / monthly pension of the petitioner, on the basis of the aforesaid pay revision slip issued by the Pay Verification Cell of the Education Department, which has been issued on the basis of letter no. 2792 dated 22.07.2023.

(iii) For grant of other relief / reliefs, to which the petitioners may found entitled, on the facts and circumstances of the case.”

4. Learned counsel appearing for the petitioner submits that the issue involved in this case is squarely covered by judgment and order dated 13.11.2024 passed in C.W.J.C. No. No.16104 of 2024 in the case of Suray Deo Paswan Vs. The State of Bihar & Ors., which has been brought on record by way of Annexure-R/F to the counter affidavit filed by respondent-State. He, therefore, submits that the present case may be disposed of in terms of the said judgment and order dated 13.11.2021 passed in C.W.J.C. No. No.16104 of 2024.

5. Learned counsel appearing for respondent-State and respondent University are in agreement with the submission made by learned counsel for the petitioner.

6. In fact in paragraph-19 & 20 of the counter affidavit filed by respondent State, it has been stated as follows:



“19. That apart, it is humbly stated that the department sought a report from the pay verification cell of the State Government and the PVC has stated with respect to the petitioner that:

(I) The petitioner had been appointed vide memo no.26286-3751 dated 12.11.1981 on the post of Typist on the Pay Scale of Rs. 244-356 and he joined on 13.11.1981.

(ii) The pay revision of the pay scale of Rs.244-356 is Rs.580-860 on 01.04.1981.

(iii) The PVC has issued the pay slip on the basis of the said information.

(iv) The petitioner is claiming that he was appointed on the post of Typist Cum Assistant which is not a schedule post.

20. That in the facts and circumstances mentioned herein above, it is humbly prayed before this Hon'ble Court to dispose of the present writ application with direction to treat the entitlement slip issued in favour of the petitioners as objection of Pay Verification cell and the University may be directed to make request for issuance of modified entitlement slip by meeting the objection in terms of order dated 15.01.2015 passed in CWJC No.7636 of 2014.”

7. From the aforesaid statement made by respondent-State, it is manifest that the parties are not in dispute that the issue involved in the present writ application is squarely covered by the judgment and order dated 13.11.2024 passed in C.W.J.C. No. No.16104 of 2024.



8. In view of the aforesaid, the impugned pay revision slip contained in letter no.2792 dated 22.07.2023 issued by the Director, Higher Education, Education Department, Government of Bihar, Patna vide Receipt no.1108220801332 is hereby quashed and the matter is remanded back to the State authorities for proceeding afresh in accordance with law.

9. The University is directed to refund Rs.36,20,428/- with statutory interest to the petitioner, which has been deducted from the retirement benefit of the petitioner.

10. It goes without saying that the petitioner is entitled to receive pension as per his earlier pay scale.

11. Accordingly, this writ application stands disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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