

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7451 of 2021

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1. Sriram Singh Son of Late Balkeshwar Singh Kshatriya Nagar, Bypass Aurangabad, P.O. and P.S. - Aurangabad, District- Aurangabad.
 2. Ram Kumar Prasad Verma Son of Basant Kumar Village - Sahpur, P.O and P.S. - Aurangabad, District- Aurangabad.
 3. Raghubansh Prasad Yadav @ Raghubansh Yadav S/o Ramdhani Yadav Village - Bechanbiga Kusikarma Bhagwan, District- Aurangabad.
 4. Siyaram Singh Son of Shri Ram Prasad Singh Village - Mafi, Warsaliganj, District- Nawada.
 5. Madhukar Prasad Singh Son of Brijnandan Prasad Singh Warsaliganj, Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Patna.
4. Magadh University, Bodh Gaya through its Registrar.
5. The Vice-Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7637 of 2021

Tapeshwar Singh Son of Late Laldhari Singh, Village and P.O. - Kalpa, P.S. Jehanabad, District- Jehanabad at present B-113 Road No. 4 Police colony Anisabad, Phulwari, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Patna.
4. Magadh University, Bodh Gaya through its Registrar.
5. The Vice - Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7675 of 2021



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1. Vijay Prakash Verma Son of Raghunandan Prasad Gali No.2, Kadam Kuan, P.S.- Kadam Kuna, District- Patna.
 2. Raj Kumar Prasad Son of Raghunandan Prasad C/o Vijay Lal, 943/2, East Indira Nagar, Behind Suman Apartment, Nalanda Colony, Kankarbag, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Patna.
4. Magadh University, Bodh Gaya through its Registrar.
5. The Vice-Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. Pataliputra University, Patna through its Registrar.
8. The Vice-Chancellor, Pataliputra University, Patna.
9. The Registrar, Pataliputra University, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7773 of 2021

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1. Bimal Prasad Singh Son of Sarju Prasad Singh Village and P.O. - Moresarai, P.S. - Sheosagar, District- Rohtas at Sasaram.
 2. Dharamraj Thakur singh son of late Ram janam Thakur Madanjeekahitte, Pakri, Ara, District- Bhojpur at Ara.
 3. Jeo Ratan Singh Son of Feku Singh New Ara, Sasaram district- Rohtas.
 4. Sri Krishna Pandey Son of Ram Pravesh Pandey Naya Ram Nagar, Chandwa District- Bhojpur at Ara.
 5. Gajadhar Singh S/o Ram Prit Singh Markandey Bagh, Tari, Ara District- Bhojpur at Ara.
 6. Mohammad Hafiz Kalam Son of Abdul Karim Village - Darigaon, Near Vetenary Hospital, P.O. and P.S. - Darigaon, District- Rohtas at Sasaram.
 7. Dharmraj Singh Son of Shri Baleshwar Singh Village - Hurka, P.O. and P.S. - Tilauthu, District- Rohtas at Sasaram.
 8. Mahendra Prasad Singh Son of Ramadhar Singh Village - Chamki P.O. - Pnach Pokhri, P.S. - Bagahla, District- Rohtas at Sasaram.
 9. Kamla Prasad Singh Son of Sant Singh Village - Bistrampur, P.O. - Chotki Chenari, P.S. - Sheosgar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.



2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Patna.
4. Veer Kuwar Singh University, Ara through its Registrar.
5. The Vice - Chancellor, Veer Kuwar Singh University, Ara.
6. The Registrar, Veer Kuwar Singh University, Ara.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 13768 of 2021

1. Rana Pratap Singh Son of Late Kamleshwari Prasad Singh Resident of Village- Tengraha, P.O.- Bhatauni, Ward No. - 13, District- Saharsha.
2. Tribhuban Prasad Singh Son of Late Muneshwar Prasad Singh Resident of Manas Nagar, Hatiagachi, Ward No. - 32, P.O. and P.S.- Saharsha, District- Saharsha.
3. Chandeshwari Prasad Yadav Son of Late Laturan Prasad Yadav Resident of Manori, Ward No. -13, P.O. and P.S.- Sonebarsa, District- Saharsha.
4. Sachidanand Jha Son of Late Vedanand Jha Resident of Shakuntala Nagar, Polytechnique, Ward No. 32, P.O. and P.S.- Saharsha, District- Saharsha.
5. Maheshwar Jha Son of Late Pitambar Jha Resident of House No. 19/8, Vidyapati Nagar, Ward No. -19, P.S. and District- Saharsha.
6. Ram Naresh Singh Son of Late Lakshmi Singh Resident of Bahrapur, Ward No. 10, Nayipur, Mansnehak, P.S. and District- Begusarai.
7. Sakendra Narain Singh Son of Hriday Narain Singh Resident of Ward No. - 13, Sarvapatti, Singeshwar, P.S. and District- Madhepura.
8. Om Prakash Jha Son of Late Aniruddha Jha Resident of Chankyapuri, Gangajalw, Ward No. 19, P.S. and District- Saharsha.
9. Bhupendra Narain Son of Ram Dayal Prasad Yadav Resident of Ward No. - 7, Adarsh Nagar, P.S. and District- Madhepura.
10. Sabita Devi Wife of Late Pratap Narain Singh Resident of Vidyapati Nagar, Ward No. - 16, P.S. and District- Saharsha.
11. Vidyakar Thakur Son of Late Kamal Nayan Thakur Resident of Sithalasthan Mirchaibari, Near Sai Mandir, P.S. and District- Katihar.
12. Bhabranjan Mukherjee Son of Late Sorodindu Mukherjee Resident of Tildengi, P.O.- Shalmari, P.S. and District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Patna.
4. B.N. Mandal University Madhepura through its Registrar.



5. The Vice- Chancellor B.N. Mandal University, Madhepura.
6. The Registrar B.N. Mandal University, Madhepura.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 17946 of 2021

1. Navin Chandra Sinha Son of Nagendra Nath Sinha, Kamla Samriti, Kali Bari Sahmir Takiya, District-Gaya.
2. Brijnandan Prasad Singh, Son of Late Ramdas Singh, Bihari Bhawan Janakpur, Manpur, District-Gaya.
3. Gagiya Devi, Wife of Govind Mahto, P.O.-Sirh, Sirhi, Khizersarai, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Patna.
4. Magadh University, Bodh Gaya through its Registrar.
5. The Vice-Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7451 of 2021)

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Prabhakar Jha (Gp27)

(In Civil Writ Jurisdiction Case No. 7637 of 2021)

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Jitendra Kumar Roy1 (Sc13)
Mr. Jai Prabhat Kishore, AC to SC-13

(In Civil Writ Jurisdiction Case No. 7675 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Jitendra Mkumar Roy 1(Sc13)
Mr. Jai Prabhat Kishore, AC to SC-13
Mr. Sunit Kumar, Advocate
Mr. Rana Vikram Singh, Advocate
Ms. Rasika, Advocate

(In Civil Writ Jurisdiction Case No. 7773 of 2021)

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Jitendra Kumar Roy1 (Sc13)
Mr. Jai Prabhat Kishore, AC to SC-13
Mr. Rajesh Prasad Choudhary, Advocate

(In Civil Writ Jurisdiction Case No. 13768 of 2021)

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Prabhakar Jha (Gp27)
Ms. Aditi Sharma, Advocate



(In Civil Writ Jurisdiction Case No. 17946 of 2021)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)
Mr. Arvind Kumar, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

8 07-01-2026

Re: I.A. No.01 of 2022 in CWJC No.7773 of
2021.

2. The present I.A. No. 01/2022 has been filed for substitution of petitioner No. 1, namely Bimal Prasad Singh, by his wife, namely Shobha Singh, as he died during the pendency of the writ application.

3. Having heard learned counsel for the parties, as the present Interlocutory Application being formal in nature, is not opposed, and hence is allowed.

4. The Registry is directed to make necessary corrections in the cause title portion.

5. Accordingly, I.A. No.1/2022 is hereby disposed of.

Re:- I.A. No.01 of 2025 in CWJC No.7675 of
2021.

6. The present I.A. No.01/2025 has been filed on behalf of the petitioners for quashing of the letter contained in Memo No.1213 dated 27.06.2014 issued by the Joint Secretary of Education Department, Govt. of Bihar whereby and



whereunder it has been decided that Head Clerk/ Head Accountant of Constituent colleges have been designated as head clerk/ Head Accountant (College Service) w.e.f. 01.04.2007 with condition that after designation they would not get pay scale equivalent to Secretariat Section Officer.

7. Having heard learned counsel for the parties, as the present Interlocutory Application being formal in nature, is not opposed, and hence is allowed for its formal incorporation in the main relief.

8. The Registry is directed to add the additional prayer made in paragraph 1 of the present petition to the prayer portion of the main writ petition.

9. Accordingly, I.A. No.1/2025 is hereby disposed of.

Re:- CWJC No.7451 of 2021, CWJC No.7637 of 2021, CWJC No.7675 of 2021, CWJC No.7773 of 2021, CWJC No.13768 of 2021 and CWJC No.17946 of 2021.

10. Heard learned counsel for the petitioners and learned counsel for the respondents.

11. The writ applications have been filed on behalf of the petitioners for commanding the respondents to grant pay scale of Rs.6500-10500 with designation as Section Officer



w.e.f. 01.01.1996 and, thereafter give its replacement scale w.e.f. 01.01.2006 and seventh pay Revision pay scale w.e.f. 01.01.2016 and accordingly, revised pension and other retiral benefits.

12. Learned counsel for the petitioners, by drawing the attention of this Court to the affidavit filed by the State Government before the Hon'ble Apex Court in the contempt proceedings initiated against it vide Contempt Petition (C) No. 262 of 2013 arising out of Civil Appeal No. 516 of 2013, has categorically submitted that, with regard to the designation of Head Assistant and Accountant at the departmental level, as per the decision dated 18.07.2007, the State Government has already granted pay scale at par with the Section Officer. Since there is no post of Section Officer in the colleges, the State Government decided to grant the pay scale of Section Officer to the Head Assistant and Accountant. Accordingly, under the 6th Pay Revision, the said pay scale was granted notionally with effect from 01.01.2006, with actual monetary benefits accruing from 01.04.2007, and the amount under this head has already been sanctioned and released.

13. The extract of the submission made before the Hon'ble Apex Court is quoted hereinbelow:



10. That with regard to the issue of designation of Head Assistant and Accountant as Section Officer at the department level as per agreement dated 18.07.2007 is concerned the State Government had already granted pay scale at par with Section officer to Head Assistant and Accountant. It is respectfully submitted here that in the colleges there is no post of Section Officer. However, have regard to the direction of the Court, the State Government decided to grant pay scale to Head Assistant and Accountant at par with Section Officer in the sixth pay revision notionally from 01.01.2006 and actual monetary benefit from 01.04.2007 and amount in this head is also sanctioned and released.

14. It has next been submitted that on the basis of the stand taken by the State respondents before the Hon'ble Apex Court, the Contempt Petition (C) 262 of 2013 was disposed of with the following observations:-

3. In view of the above, we direct the Registrars of all the concerned Universities, to whom funds have been released by the State Government, for disbursement of arrears of pay on account of revision of pay scale, to ensure disbursement to the employees who are entitled to the same within six weeks from today. The details of the disbursement shall be made available by the Registrars of the Universities to the Department of Education of the State Government. This would result in giving effect to the judgment rendered by this court in State of Bihar & Anr. vs. Sunny Prakash & Ors. (2013) 3 SCC 559.

4. After the entire amount has been distributed to the concerned employee, if any employee is



aggrieved on account of deficiency in payment, or no payment at all, it shall be open to such employee to move the head of his institution, where he is or has rendered service, highlighting his grievance. The head of the concerned institution shall thereupon pass a speaking order, accepting or rejecting the grievance of the concerned employee. In case, the claim of the concerned employee is rejected, it shall be open to that employee to raise a challenge to the order passed by the head of the institution, before the jurisdictional High Court.

5. The contempt petition stands disposed of, in the above terms.

15. On the other hand, learned counsel representing the respondent-State in all the writ petitions have universally taken stand that in terms of the order passed by the Hon'ble Apex Court in aforementioned contempt petition, the individual employees were required to have approached the State authorities for ventilation of their grievances, which till date has not been received and once such applications are received at their end, they are ready to adjudicate their grievances and pass final order.

16. The reference of decision taken by the State Government not to grant the pay scale, as contained in letter no.1213 dated 27.06.2014, is completely in derogation of the stand taken by the State respondents before the Hon'ble Apex Court and the consequential order passed by the Hon'ble Apex



Court in the aforesaid contempt petition. From a perusal thereof, it appears that the issuing authority has acted in contempt of the order passed by the Hon'ble Apex Court, as well as the stand taken before the Apex Court for securing disposal of the contempt petition. The issue of initiation of contempt proceedings against the issuing authority is left open to be considered at the appropriate stage.

17. In view of the facts and circumstances of the case and the materials available on record, this Court finds it proper to set aside the decision as contained in Memo No. 1213 dated 27.06.2014, as the same would create a hindrance in the adjudication of the grievances of the employees, who have been directed to ventilate his/ her grievances by approaching the Head of the concerned Institution, on its own merit by giving by proper hearing.

18. Considering the nature of the dispute, this Court directs the petitioners to approach the Head of the concerned Institution within a period of four weeks from today and file their respective individual representations for redressal of their grievances. It is further directed that, upon filing of such representations within the time allowed by this Court, the Head of the Institution shall adjudicate the grievances within a period



of eight weeks from the date of receipt of the individual representations. If the claims of the petitioners are found to be justified in law, appropriate recommendations shall be forwarded to the State Government for carrying out the necessary formalities to extend the benefits in favour of the petitioners within a reasonable time.

19. In view of the assurance already given by the State as well as the University before the Hon'ble Apex Court, it is evident that they are required to adjudicate the grievances of the petitioners upon submission of their representations. In this background, the petitioners are granted liberty that, in the event the respondents fail to respond to or decide their grievances within the time granted by this Court, they shall be at liberty to file appropriate Interlocutory Applications seeking revival of the writ petitions for adjudication of their claims.

20. With the aforesaid observations and directions, the writ applications stands disposed of.

(Ajit Kumar, J)

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