

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7684 of 2022

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Manta Gond Son of Late Vindhyachal Gond Resident of Village- Mahuar,
P.O.- Sahuka, P.S.- Ramgarh, District- Kaimur at Bhabua.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Higher Education Department, Bihar, Patna.
3. The Vice Chancellor, Veer Kunwar Singh University, Ara.
4. The Registrar, Veer Kunwar Singh University, Ara.
5. The Finance Officer, Veer Kunwar Singh University, Ara.
6. The Principal, Gram Bharati College, Ramgarh, District- Kaimur at Bhabua.
7. The Pay-Verification Cell, Education Department, Govt. of Bihar Patna through its Authorized Officer.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Garg, Advocate
For the State : Mr. Prabhakar Jha, G.P.-27

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

8 18-03-2026 Heard the parties.

2. At the outset, the learned counsel for the petitioner submits that due to inadvertence, in prayer portion, i.e., paragraph no.1(I), instead of year 2017, the same should have been mentioned as year 2007.

3. The learned counsel for the petitioner is permitted to make necessary correction in the prayer portion i.e. paragraph no.1(I) during course of the day.

4. The present writ petition has been filed for the following reliefs:

“(I) For issuance of an appropriate writ,



order or direction in the nature of certiorari for quashing of the fixation of pay scale of petitioner by Pay Verification Cell, by which the pay verification cell has fixed the less Pay Band i.e.5200-20200\/- whereas the petitioner is entitled to its revised pay scale and the University has already fixed pay Band of Rs. 5200-20200\/- to the petitioner in years 2007 itself and petitioner was getting salary as per fixation done by University.

(II) For issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondent authorities to pay the salary to the petitioner on the basis of pay fixation and its revised pay scale fixed by the University.

(iii) For issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondent authorities to decide the representation given by petitioner to respondent authorities regarding his grievance within short span of time.”

5. The brief facts, giving rise to the present writ petition, are that the petitioner was appointed on the post of Peon, Class IV post, in Gram Bharti College, Ramgarh on 06.02.1981, which was within the jurisdiction of Magadh University at the relevant time. After creation of the Veer Kunwar Singh University, the college came within the jurisdiction of Veer Kunwar Singh University, Ara. The college in question was a 4th Phase constituent college, which was taken over by the State Government in 4th phase and the matter with regard to absorption of the services of the teaching and non-



teaching employees of 4th phase colleges travelled upto the Hon'ble Supreme Court of India, wherein the Hon'ble Supreme Court of India constituted a one man inquiry Commission headed by Hon'ble Mr. Justice S.C. Agrawal (Retd.) and the same is known as Justice Agrawal Commission. The Commission after due inquiry submitted its report before the Hon'ble Supreme Court of India and the same was accepted by the Hon'ble Supreme Court of India and all the objections thereto were rejected. Pursuant to the report of the Justice Agrawal Commission, vide notification dated 12.03.2005, the petitioner was absorbed in the services in the college w.e.f. 13.02.1981, however in view of the report of the Hon'ble Justice Agrawal Commission, the services of the petitioner was confirmed w.e.f. 05.05.1983 on the post of Peon vide notification dated 24.05.2006.

6. The learned counsel for the petitioner submits that vide notification dated 31.03.2016, the petitioner was granted the benefits of A.C.P. and M.A.C.P. from the due date and in the due pay scale. The petitioner was granted the pay scale of Rs.5200-20200/- w.e.f. 05.05.2007 and his pay on 05.05.2007 was fixed at Rs.7340/- with Grade Pay of Rs.1650/-. Subsequently, the petitioner was granted the 2nd A.C.P./



M.A.C.P. on 05.05.2013 in the pay scale of Rs.5200-20200/- and his pay was fixed on 05.05.2013 at Rs.9440/- with Grade Pay of Rs.1800/-. Subsequently, the University again fixed the pay scale of the employees of the college and the University. From perusal of the pay fixation chart relating to the concerned college, wherein the name of the petitioner is mentioned at Serial No.11, it appears that the petitioner was granted the benefit of 7th pay revision and his pay as on 01.07.2017 was fixed at Rs.13610/-.

7. The learned counsel for the petitioner submits that vide Pay Verification Certificate No.01041904022320, the Pay Verification Cell of the Education Department of the State Government fixed the pay of the petitioner whereby the pay of the petitioner on 01.07.2018 has been fixed at Rs.11,150/- with Grade Pay of Rs.1,900/-, which is even lesser than the pay fixed by the University on 01.07.2017 i.e. Rs.13610/- and the same is in complete violation of the orders passed by this Court in C.W.J.C. No.7636 of 2014, wherein a Coordinate Bench of this Court vide judgment dated 15.01.2015 held as follows:

“16. In view of the above, the objection of the Pay Verification Cell cannot have the effect of annulling previous notifications issued by the University, unilaterally, nor can such objection have the effect of modifying the previous notification



issued in favour of the petitioners. Such objections will be treated as audit objections for which notices would be required to be given to the University concerned, which in turn will issue notice to the concerned affected teachers and employees, seek their response and the University thereafter will revert to the Pay Verification Cell. If the response of the University or the concerned employee is not found to be satisfactory, the State Government can issue appropriate direction to the University to issue appropriate corrigendum within the time frame so fixed. But the final notification and amendment or corrigendum or clarification of the previous decision has to be taken by the University because Pay Verification Cell does not have any power in this regard.

17. Yet another serious infirmity found by the Court is that the decision contained in Annexure-8 series has been passed in gross violation of the principles of natural justice because the decision so taken by the Pay Verification Cell has serious civil consequences for these petitioners since they are going to not only loose out on the salary they have so earned but even the orders of promotion etc. which they have acquired over a period of time on the basis of the date of their initial absorption on their respective post and position gets altered.”

8. *Per contra*, the learned counsel appearing on behalf of the State submits that the pay fixation of the petitioner, done by the Pay Verification Cell of the State Government, is in accordance with law, since the Pay Verification Cell has got



jurisdiction to fix the pay of the University employees and has got authority to alter the pay fixation done by the Statutory Pay Fixation Committee of the University, if it is found that the said pay fixation has been done incorrectly.

9. Learned counsel for the petitioner submits that the Pay Verification Cell has got no jurisdiction to fix the pay of the University employees and it is the Statutory Pay Fixation Committee of the University, which is competent to fix the pay of the teaching and non-teaching employees of the University and the Pay Verification Cell can only raise audit objection with regard to the fixation done by the University and communicate the said objection to the University. The University, in turn, is required to issue notice to the concerned person/employee and after considering the reply submitted by the concerned person, the University is competent to fix the pay of the employee.

10. The learned counsel for the petitioner refers to and relies on a judgment dated 13.11.2024, passed in C.W.J.C. No.16104 of 2024, Suray Deo Paswan vs. The State of Bihar & Ors., wherein a Coordinate Bench of this Court, after considering the powers vested in the Statutory Pay Fixation Committee of the University and also the order dated 15.01.2015, passed in C.W.J.C. No.7636 of 2014, in paragraph



no.-27, held as follows:

“27. The court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the petitioner as such the order impugned dated 22-7-2023 (Annexure-16) along with the pay verification certificate issued vide receipt No. 1711220100242 issued under the signature of the authorized officer, Pay Verification Cell, Department of Education Government of Bihar, Patna (Annexure-p/14) are hereby quashed and the matter is remanded back to the State authorities for proceeding afresh in accordance with law.”

11. Having heard the learned counsel for the parties and after going through the records, this Court is of the opinion that the Pay Verification Certificate issued vide No.01041904022320 under the signature of the Authorized Officer, Pay Verification Cell, Department of Education, Government of Bihar, Patna, as contained in Annexure-7 to the writ petition has been issued in complete violation of the principles of natural justice, since no notice whatsoever was issued to the petitioner, before reducing his pay scale and the Pay Verification Cell has got no jurisdiction to unilaterally reduce the pay of the University employee.

12. Accordingly, the Pay Verification Certificate, issued vide no.01041904022320, under the signature of the authorized officer, Pay Verification Cell, Department of



Education, Government of Bihar is hereby quashed and the matter is remitted back to the State-Respondents for proceeding afresh in accordance with law, i.e., by giving notice to the concerned University, who, in turn, will issue notice to the petitioner and after considering the reply submitted by the petitioner, will make any correction in the pay scale, if required. It goes without saying that the petitioner would be entitled for all the benefits, i.e., the pay scale which he was getting prior to issuance of the Pay Verification Certification No.01041904022320.

13. With the aforementioned observation and direction, the writ petition is allowed.

14. Pending application(s), if any, shall also stands disposed of.

(Ritesh Kumar, J.)

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