

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7765 of 2019

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Mundrika Prasad Son of late Ram Prasad Resident of Village- Pakari, P.S.
Nawada, Ara, District- Bhojpur. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Secretary, Higher Education Department, Govt. of Bihar, Patna.
4. The Director, Higher Education Department, Govt. of Bihar, Patna.
5. The Voice Chancellor, Veer Kuar Singh University, Ara, Bhojpur.
6. The Registrar, Veer Kuar Singh University, Ara, Bhojpur.
7. The Veer Kuar Singh University, Ara, Bhojpur, through its Registrar.
8. The Finance Officer, Veer Kuar Singh University, Ara, Bhojpur.
9. The Pension Officer, Veer Kuar Singh University, Ara, Bhojpur.
10. The Principal, Maharaja College, Bhojpur, Ara.
11. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Munna Prasad Singh, Advocate
For the State	:	Mr. Pramod Kumar Singh, AC to SC-16
For the V.K.S. University:		Mr. P.K. Verma, Sr. Advocate
		Mrs. Nutan Sahay, Advocate
For the Accountant General :		Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 01-04-2024

Heard learned counsel for the parties.

2. By the present writ application, the petitioner seeks following reliefs:

(i) To issue a writ in the nature of mandamus commanding the respondents to re-fix the pay scale of the petitioner with effect from



01.04.1997 in the pay scale of Rs.5000/- to 9000/- in view of memo no.665/Establishment/14 dated 22.08.2014 issued under the signature of Respondent no.6, the Registrar Veer Kuar Singh University, Ara.

(ii) To issue a writ in the nature of mandamus commanding the respondents to re-calculate the pay scale and pay statement of the petitioner by a competent accountant authority and thereafter revised the salary and pensionary benefit of the petitioner in view of memo no.665/East/14 dated 22.08.2014 issued by the respondent no.6, the Registrar, Veer Kuar Singh University, Ara, Bhojpur.

(iii) To issue a writ in the nature of mandamus commanding and direct the respondents to pay the petitioner, arrear salary and arrear pensionary benefits which is payable to the petitioners with costs and interest of Rs.12% per annum.

(iv) Any other writ/writs, direction/directions, order/orders for which the petitioner is entitled to in the facts and circumstances of the case.



3. Learned counsel for the petitioner submits that the petitioner joined the service on the post of Lab bearer by the Governing Body of Maharaja College, Ara on 17.08.1968 in the Department of Psychology after following the norms of appointment in pay-scale of Rs.45/- to 60/-. Thereafter, the salary of the petitioner was fixed by the Magadh University on 21.10.1976 in the pay-scale of Rs.165/- 204 on 01.03.1973 as affiliated college unit and also fixed on 1.1.1978 as constituent college vide M.U. letter no.1042 dated 05.05.88 Rs.190 to Rs.256/-. It is further submitted that thereafter time bound promotion was granted by the University with effect from 01.01.1981 and the pay-scale of the petitioner was fixed at Rs.425 – 605/-

4. It is further submitted that newly created Veer Kuar Singh University, Ara revised the pay-scale for the petitioner Rs.950-1400 from 01.01.1986. The petitioner was promoted to the post of Store Keeper in Botany Department with effect from 14.07.1995. Lastly, the pay of the petitioner was fixed by the University in the pay-scale of Rs.5200-20200. The petitioner retired from the service on 31.07.2012 from the post of Store Keeper in Botany Department from Maharaja College, Ara.



5. It is further submitted that the Registrar of the Veer Kuar Singh University, Ara issued a notification vide memo no.665 Estb/14 dated 22.08.2014 and fixed the pay-scale of Rs.5500-9000 to the Store Keeper who are working on the sanctioned post and appointed in accordance with rules and working without any break in service with effect from 01.04.1997.

6. It is further submitted that the petitioner finding him suitable and coming under the purview of memo no.665 Estb/14 dated 22.08.2014 filed representations before the Registrar of the University but no response has been given.

7. Respondents have filed counter affidavit. A supplementary counter affidavit filed on behalf of the Registrar of the University is also on record in which it is, *inter alia*, stated that vide letter dated 23.06.2014 and 18.09.2014 (Annexure-E series to the supplementary counter affidavit) it is brought on record that the Department of Education, Government of Bihar clarified that the pay scale and grade of Assistant will be given to those Store Keepers who have requisite qualification for the said post. The requisite qualification for the post of Assistant is Graduation but the petitioner is matriculate and thus he is not at all entitled to pay



scale of Rs.5500-9000 as per the guidelines of the State Government.

8. In the facts and circumstances of the case and the letters of the State Government, as aforesaid, as the petitioner does not possess the requisite qualification for the said post as per the guideline of the State Government, this writ application merits no consideration and is dismissed accordingly.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2024
Transmission Date	NA

