

(2010) 11 PAT CK 0134
In the Patna High Court
Case No : CWJC No. 16568 of 2010

Devanand San and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 10-11-2010

Acts Referred:

Citation : (2011) 1 PLJR 558

Hon'ble Judges : Navaniti Pd. Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Navaniti Pd. Singh, J.—The Petitioners are Teachers in B.N. Mandal University, Madhepura, a University constituted under the provisions of the Bihar State Universities Act, 1976. The issue involved is with regard to fixation of pay scale of Readers upon implementation of the revised pay scale as per UGC norms with effect from 1.1.1996. In short, the question is from what date the pay scale of Rs. 14,940/- basic would be applicable to the Readers. In my view, this question stood finally resolved in and analogous cases Dr. Binod Kumar Pandey and Ors. v. T.M. Bhagalpur University, Bhagalpur and Ors. CWJC No. 18552 of 2009. By judgment dated 5.7.2010, this Court held that Government rightly appreciated the position at the first instance and allowed fixation of pay scale on basis of five years" period as Reader. If a person was promoted to the post of Reader-prior to 1.1.1996 then from the date of such promotion, five years have to be counted and the basic pay fixed accordingly. If they had already completed five years prior to 1.1.1996 then with effect from 1.1.1996, they were entitled to the said basic pay. Accordingly, the Pay Fixation Committees of different Universities revised the pay scales and they were paid as noticed in the above referred judgment in the case of Dr. Binod Kumar Pandey (supra). Someone created some confusion and now the absurd stand taken by the Government Auditor was that the pay scale having been implemented from 1.1.1996, the five years would be counted from 1.1.1996. In other words, no one would get the said basic revised

pay prior to 1.1.2001 notwithstanding earlier clarifications given by the Central Government. This Court held the confusion unwarranted and misplaced. This Court restored the earlier position as recognized by the Government and the pay fixation as done by the Pay Fixation Committee and restrained the State or the Universities from revising the pay scales otherwise.

2. Identical is the situation here. The judgment applies with full force. It may be noted that as hundreds of Lecturers of different Universities were similarly effected, subsequently, this Court, in the case of Krishna Deo Prasad Singh v. State of Bihar and Ors. being CWJC No. 33 of 2010 and analogous cases disposed of on 10.8.2010, held that the law, as settled in the case of Dr. Binod Kumar Pandey (supra) would apply to all Universities uniformly and Teachers are not required to obtain orders individually from this Court but as is usual in this State, the same is followed more in breach than otherwise and every Teacher is required to come to this Court and obtain orders individually. That is wrong and not acceptable.

3. I, accordingly, allow the writ application in the same terms as in the case of Dr. Binod Kumar Pandey (supra) and Krishna Deo Prasad Singh (supra).

4. Any recovery made or money withheld on account of the controversy would be paid back to the Petitioners and their like within a period of one month, the responsibility whereof would be on the Registrar and the Finance Officer of the concerned Universities".