
(2024) 07 UK CK 0024

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1172 Of 2024

Brijmohan Godiyal And Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 04-07-2024

Acts Referred:

Citation : (2024) 07 UK CK 0024

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Anil Anthwal, Pradeep Hariya

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Learned counsel for the petitioner submits that subject matter of the present writ petition is covered by a judgment rendered by a Co-ordinate Bench of this Court in WPSS No.1955 of 2015 and connected petitions decided on 27.03.2017.
2. The facts of the case are that petitioners are working in the grant-in-aid primary schools and colleges in District Tehri Garhwal. They have been working as Head Masters and Assistant Teachers of different subject in different schools and after having completed 10 years of service as such, they are entitled for selection pay-scale/grade by the respondent-Department, but despite there being clear-cut provisions enumerated in the Government Order dated 24.05.2005 for grant of selection grade after putting in 10 years' continuous satisfactory service and grant of promotional pay scale on completion of 12 years service in the selection grade, they have not been given the said benefit.
3. Learned counsel for the petitioners submits that petitioners have served in the selection grade for more than 10 years and at present, they are also entitled to receive the promotional scale/grade and they have submitted their representations to the respondents for the same, but till date, for one reason or

the other, they are being deprived of that benefit. He further submits that the similarly situated persons who are working in the grant-in-aid schools/colleges within the State, have already been sanctioned the promotional pay scale on completion of their 10 years' service in selection grade, therefore, there is total discrimination meted out to the petitioners by the respondent authorities.

4. Learned State Counsel admits that a similar controversy has been set at rest by this Court in several cases and the case of the petitioners is also covered by those judgments rendered by a Co-ordinate Bench of this Court so far as it relates to teachers working in government schools/colleges but there is one difference in the present one i.e. petitioners are working in grant-in-aid schools/colleges.

5. Having heard the rival contentions of learned counsel for the parties, I do not find any substance in the submission made by learned State Counsel simply for the reason that so far as the payment of salary is concerned, there is no distinction between the teaching or nonteaching staffs of a government college/school with that of the teaching and non-teaching staff of the college/schools which are in grant-in-aid.

6. In this view of the matter, the present writ petition stands allowed in terms of the judgment and order passed by a Co-ordinate Bench of this Court in WPSS No.1955 of 2015 (Munendra Singh Rana & others Vs State Of Uttarakhand & others) and connected petitions decided together on 27.03.2017.