

(2009) 02 RAJ CK 0098
In the Rajasthan High Court

Director, College Education

APPELLANT

Vs

Savitri Girls College and Others

RESPONDENT

Date of Decision : 26-02-2009

Acts Referred:

Citation : (2009) 02 RAJ CK 0098

Hon'ble Judges : G.S. Sarraf, J;Asok Parihar, J

Bench : Division Bench

Judgement

1. Since on similar set of facts common orders passed by the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur (for short "the Tribunal") as also the learned Single Judge are under challenge, all the appeals have been heard together and are being decided by this common judgment.

2. The Tribunal, while allowing individual applications filed by the respective employees vide order dated 9.3.1998, directed the respondent institutions to give benefit of selection scale to the concerned employees as per the circular issued by the State Government on 23.1.1985 and 25.1.1992. The Tribunal also directed the appellant department to get compliance of the orders passed by the Tribunal as per provisions of the Rajasthan Non-Government Educational Institutions Act, 1989 and the Rules, 1993.

3. The order passed by the Tribunal came to be challenged by respective institutions before this Court with the prayer to set aside the order of the Tribunal and, in the alternative, directions for the State Government to apportion the liability in the proportionate Grant-in-Aid being given to the institutions to satisfy the claims of the employees concerned as per directions of the Tribunal. This Court, while disposing the writ petitions filed by the institutions, observed as under:

In the Rajasthan Non-Government Educational Institutions Act, 1989 and Grant in Aid and Service Conditions etc Rules, 1953, provisions have been incorporated placing responsibility on the Education Department to ensure the payment of

salaries and other allowances to the employees therefore it is not necessary to issue directions to the State Government to apportion the liability in proportion of Grant in Aid. As already stated the petitioner School shall be entitled to get grant in Aid proportionately on the amount of Selection Grade and Gratuity as per its entitlement and contribution by the State Government towards Grant-in- Aid.

4. The controversy in regard to selection scale and grant in aid for non-government educational institutions further came for consideration before the Full Bench of this Court in case of *Sr Higher Secondary School and Anr. v. Rajasthan Non-Government Educational Institutions Tribunal, Jaipur* and 23 Ors. 2002 2 W L C 586, wherein, a specific question was referred to the Full Bench as to whether the government is bound to give grant in aid for selection scale to the teachers of Nongovernment Educational Institutions receiving aid. The Full Bench, while holding that the employees of NGEIs are entitled for selection scale also as provided to the employees of the State government further held that institutions are also entitled for grant in aid for the same in proportionate percentage prescribed in the Grant-in-Aid Rules to the category in which NGEIs is placed.

5. There is no dispute that judgment of the Full Bench of this Court in the case referred to above has further been affirmed by the Hon"ble Supreme Court so far as payment of selection scale to the employees of the NGEIs and the grant in aid for the same. Learned Counsel, appearing on behalf of the respondent institutions however has very fairly admitted that Supreme Court in another case from Rajasthan has also held that the NGEIs are not entitled for grant in aid so far as payment of Gratuity is concerned.

6. After having considered submissions of learned Counsel for the parties, in view of the judgment of the Full Bench of this Court in the case referred to above, we find no error or illegality in the order of the learned Single Judge so far as payment of amount of selection scale is concerned, however, the directions for grant in aid in regard to payment of Gratuity, as given by the learned Single Judge in the impugned order cannot be sustained and the same are hereby set aside. The appellant may now issue necessary orders in regard to grant in aid to the respondents institutions so far as payment of arrears of selection scale to the concerned employees is concerned proportionately as per the Grant-in-Aid given to the respective institutions.

7. With the above observations and directions, the appeals are disposed of accordingly.