
(2021) 02 JH CK 0029
In the Jharkhand High Court
Case No : Writ Petition(S) No. 4154 Of 2020

Kiran Dwivedi And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0029

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Saurav Arun, P.A. S. Patti, Indrani S. Choudhary

Final Decision : Disposed Of

Judgement

1. Heard Mr. Saurav Arun, the learned counsel for the petitioner, Mr. P.A.S. Patti, the learned counsel appearing on behalf of the respondent State

and Mrs. Indrani S. Choudhary, learned counsel for the respondent-V.B. University.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising

due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been

heard.

3. The petitioners have preferred this writ petition for direction upon the respondents for payment of the arrears of salary as per 5th, 6th and 7th pay

revision to the petitioner in the pay scale of Rs.12000- 420- 18300/- with effect from 01.01.1996 till 30.05.2005 which has not been paid to the

petitioner as the issue is no more res integra and decided by this Court and also affirmed up to the Division Bench of this Court by which the issue

regarding two pay scales of Reader have been struck down considering only one post of Reader in view of the judgment passed by this Court in W.P.

(S) No.4162 of 2013 affirmed in L.P.A. No.661 of 2019.

4. Mr. Saurav Arun, the learned counsel for the petitioners submits that the petitioner no. 1 was appointed as a Lecturer in the subject of History in

K.B. Womens College, Hazaribagh on 17.12.1981, promoted as Reader on 17.12.1991 and done Ph.D in the year, 2007 and going to retire on

31.08.2023. Petitioner no. 2 was appointed as a Lecturer in the subject of Chemistry in Ranchi Womens College on 12.01.1982, promoted as Reader

on 12.01.1992 and done Ph.D in the year, 2000 and retired on 31.09.2019. Petitioner no. 3 was appointed as a Lecturer in the subject of Philosophy in

Gumla College, Gumla on 11.12.1981, promoted as Reader on 11.12.1991 and done Ph.D in the year, 2004 and going to retire on 01.07.2021.

Petitioner no. 4 was appointed as a Lecturer in the subject of Political Science in K.B. Womens College, Hazaribagh on 10.12.1981, promoted as

Reader on 10.12.1991 and done Ph.D in the year, 1995 and retired on 26.02.2019. Petitioner no. 5 was appointed as a Lecturer in the subject of

Zoology in K.B. Womens College, Hazaribagh on 24.11.1981, promoted as Reader on 24.11.1991 and done Ph.D in the year, 2000 and retired on

31.01.2019. Petitioner no.6 was appointed as a Lecturer in the subject of Botany in Mahila College, Chaibasa on 25.06.1979, promoted as Reader on

25.06.1989 and done Ph.D in the year, 2003 and retired on 28.02.2018. It is averred in the writ petition that under the career advancement scheme of

the UGC which shows that minimum length of service for eligibility to move in the grade of Lecturers, senior scale would be 4 years for those with

Ph.D, 5 years with those M.Phil and 6 years for those at the level of Lecturers and for eligibility to move into the grade of Reader/Lecturers -

Selection Grade, the minimum length of service of Lecturer in senior selection grade shall be uniformly 5 years. It is mentioned in the paragraph no.33

of the writ petition that it will be evident from the order dated 06.09.2019 after the order passed in LPA No.22/2018, the State Government came out

with a notification directing all the Universities to state that total number of Readers of the entire State in various Universities who were granted

promotion under 'Time bound promotion scheme/ Merit promotion scheme', meaning thereby after the order passed by the Division Bench, the

respondent/State is taking stand for paying the arrears to all the Readers in one pay scale i.e. Rs.12,000-420-18,300/- in 5th, 6th and 7th pay revision

committee. It is mentioned that the petitioners were otherwise eligible for being placed at the Lecturer Selection Grade in the scale of Rs.12,000-420-

18,300/- at the time of promotion to the post of Reader under the scheme, but they have been placed in the Scale of Rs.10,000-15,200/-. He further

submits that the issue is no more res integra in view of the judgment rendered by this Court in ""Prashant Kumar Mishra and Others v. State of

Jharkhand and Others, in W.P.(S) No.4162 of 2013 and ""Geeta v. State of Jharkhand and Others"" in W.P.(S) No.3690 of 2018. He submits that the

matter may kindly be disposed of with a direction to the respondent State to consider the case of the petitioners in the light of the judgment rendered

by this Court in cases of ""Prashant Kumar Mishra & Others v. State of Jharkhand and Others"" and ""Geeta v. State of Jharkhand and Others"".

5. Learned counsel for the petitioners further submits that the respondents are bound to act in terms of letter dated 11.09.2020 by which the arrears of

pay scales of Reader in 5th, 6th and 7th pay revision has been given to the writ petitioners of W.P(S) No. 4162/2013, L.P.A. No. 22/2018 and L.P.A.

No. 661/2019 and cannot adopt discriminatory attitude in respect of the present petitioners by way of pick and choose method.

6. Mrs. Indrani S. Choudhary, the learned counsel for the Vinoba Bhave University submits that it is in the domain of the State to consider the case of

the petitioners. She further submits that if any rectification will be done by the State Government, the University shall comply the same.

7. The learned counsel for the respondent State submits that the identical matters in the case of ""Prashant Kumar Mishra"" and ""Geeta"" (supra) the

matter has been set at rest which was affirmed in L.P.A. No.22 of 2018 and L.P.A. No. 661/2019. It is stated that on the basis of the above

mentioned judgments, the Court may dispose the instant case accordingly.

8. In view of the above admitted position, the respondent State is directed to consider the case of the petitioners in the light of the judgment rendered

by this Court in ""Prashant Kumar Mishra"" and ""Geeta"" (supra) and also L.P.A. No.22 of 2018 and L.P.A. No. 661 of 2019 and pass appropriate

reasoned order within a period of 8 weeks from the date of receipt /production of a copy of this order.

9. It goes without saying that if the decision is taken in favour of the petitioners the same shall be communicated to the University within a period of

four weeks so that the benefit of the same may be accrued to the petitioners at the earliest.

10. With the above observations and direction, the instant writ petition stands disposed of. I.A., if any, also stands disposed of.