
(2021) 03 JH CK 0012
In the Jharkhand High Court
Case No : Writ Petition(S) No. 4352 Of 2020

Lal Bihari Singh And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-03-2021

Acts Referred:

Citation : (2021) 03 JH CK 0012

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Saurav Arun, Ashish Thakur, Manish Kumar, A.K. Mehta

Final Decision : Disposed Of

Judgement

1. Heard Mr. Saurav Arun, the learned counsel for the petitioners, Mr. Ashish Thakur, the learned counsel appearing on behalf of the respondent-

State and Mr. Manish Kumar, learned counsel for the 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 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 Lecturer on 23.11.1981 in Sindri College

in Zoology Department and thereafter he was transferred to P.K.R.M. College, Dhanbad and promoted to the post of Reader on 23.11.1991 and done

his Ph.D in the year, 2007 and about to retire on 30.11.2022, petitioner no. 2 was appointed as Lecturer on 11.01.1982 in RSP College, Jharia in

Commerce Department at present holding the post of Dean in Binod Bihari Mahto Koylanchal University, Dhanbad and promoted to the post of

Reader on 06.02.1992 and done Ph.D in the year, 2005 and about to retire on 30.07.2024, petitioner no. 3 was appointed as Lecturer on 03.12.1981 in

RSP College, Jharia in Botany Department and promoted to the post of Reader on 03.12.1991, done his Ph.D in the year, 2005 and about to retire on

31.12.2023, petitioner no. 4 was appointed as Lecturer on 11.01.1982 in RSP College, Jharia in Commerce Department and promoted to the post of

Reader on 06.02.1992 and about to retire on 30.04.2023, petitioner no. 5 was appointed as Lecturer on 10.12.1981 in P.K.R.M. College, Dhanbad in

History Department and promoted to the post of Reader on 10.12.1991, done his Ph.D in the year, 2008 and retired on 01.03.2020, petitioner no. 6

was appointed as Lecturer on 12.12.1981 in P.K.R.M. College, Dhanbad in Psychology Department and promoted to the post of Reader on

12.12.1991, done his Ph.D in the year, 1998 and retired on 31.07.2020, petitioner no. 7 was appointed as Lecturer on 18.01.1982 in RSP College,

Jharia in Mathematics Department and promoted to the post of Reader on 22.01.1992, done his Ph.D in the year, 1998 and retired on 30.04.2019,

petitioner no. 8 was appointed as Lecturer on 11.08.1980 in Sindri College, Sindri in Psychology Department and promoted to the post of Reader on

29.11.1991, done his Ph.D in the year, 2014 and retired on 30.11.2020, petitioner no. 9 was appointed as Lecturer on 27.02.1982 in SSLNT Mahila

Mahavidyalaya, Dhanbad in English Department and promoted to the post of Reader on 27.02.1992, done his Ph.D in the year, 2008 and will retire on

28.02.2023, petitioner no. 10 was appointed as Lecturer on 20.01.1982 in Chatra College, Chatra in Mathematics Department and thereafter he was

transferred to P.K.R.M. College, Dhanbad and promoted to the post of Reader on

28.01.1992, done his Ph.D in the year, 1990 and retired on 11.08.2019, petitioner no. 11 was appointed as Lecturer on 06.01.1982 in P.K.R.M. College, Dhanbad in Commerce Department and promoted to the post of Reader on 06.02.1992, done his Ph.D in the year, 2000 and retired on 31.06.2020, petitioner no. 12 was appointed as Lecturer on 06.06.1983 in P.K.R.M. College, Dhanbad in Philosophy Department and promoted to the post of Reader on 06.06.1993, done his Ph.D in the year, 1996 and retired on 30.11.2020, petitioner no. 13 was appointed as Lecturer on 21.01.1982 in SSLNT Mahila Mahavidyalaya, Dhanbad in Chemistry Department and promoted to the post of Reader on 21.01.1990, done his Ph.D in the year, 1981 and retired on 30.09.2020, petitioner no. 14 was appointed as Lecturer on 08.12.1981 in SSLNT Mahila Mahavidyalaya, Dhanbad in Political Science Department and promoted to the post of Reader on 08.12.1991, done his Ph.D in the year, 2001 and will retire on 30.09.2022, petitioner no. 15 was appointed as Lecturer on 19.02.1979 in Gumla College, Gumla in Psychology Department thereafter transferred to SSLNT Mahila Mahavidyalaya, Dhanbad and promoted to the post of Reader on 09.02.1989, done her Ph.D in the year, 1992 and will retire on 31.05.2021, petitioner no. 16 was appointed as Lecturer on 10.08.1979 in B.S.K. College, Maithon in Botany Department and promoted to the post of Reader on 18.11.1991, done his Ph.D in the year, 1989 and retired on 31.05.2019, petitioner no. 17 was appointed as Lecturer on 08.09.1976 in Katras College, Katrasgarh in History Department and promoted to the post of Reader on 01.09.1988, done his Ph.D in the year, 2016 and retired on 31.12.2019, petitioner no. 18 was appointed as Lecturer on 29.11.1981 in Katras College, Katrasgarh in Political Science Department and promoted to the post of Reader on 07.12.1991, done his Ph.D in the year, 2016 and about to retire on 30.04.2023 and petitioner no. 19 was appointed as Lecturer on 07.12.1981 in Katras College, Katrasgarh in English Department and promoted to the post of Reader on 07.12.1991 and retired on 31.03.2019. 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 or Reader/Lecturers -Selection Grade, the

minimum length of service of Lecturer in senior selection grade shall be uniformly 5 years. It is 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. The State counsel submits that the Government came out with a notification directing all the Universities to state that the total number of Readers in

the entire State in various Universities who were granted promotion under time bound promotion scheme meaning thereby after the order passed by

the Division Bench in the aforesaid LPAs.

6. 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.

7. Mr. Manish Kumar, A.C. to Mr. A.K. Mehta, the learned counsel for the University submits that it is in the domain of the State to consider the

case of the petitioners. He further submits that if any rectification will be done by

the State Government, the University shall comply the same.

8. 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.

9. 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.

10. 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.

11. With the above observations and direction, the instant writ petition stands disposed of.

12. I.A., if any, also stands disposed of.