
(2021) 02 JH CK 0212

In the Jharkhand High Court

Case No : Writ Petition(S) No. 3801 Of 2020

Manjula Sanga And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0212

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Saurav Arun, Rahul Saboo, Amresh Kumar

Final Decision : Disposed Of

Judgement

1. Heard Mr. Saurav Arun, the learned counsel for the petitioner, Mr. Rahul Saboo, the learned counsel appearing on behalf of the respondent State and Mr. Amresh Kumar, 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 St. Columbus College, on 28.11.1981, promoted as Reader on 28.11.1991 and done Ph.D in the year, 1998 and retired on 30.04.2020 from Kolhan University. The petitioner no. 1 was Lecturer in the subject of Hindi. Petitioner no. 2 was appointed as a Lecturer in R.S. College, Govindpur, Dhanbad on 24.11.1981, promoted as Reader on 24.11.1991 and done Ph.D in the year, 1999 and presently posted at PG Department of Physics at Vinoba Bhave University, Hazaribagh. The petitioner no. 2 was Lecturer in the subject of Physics. Petitioner no. 3 was appointed as a Lecturer in the subject of Psychology in Jamshedpur Womens' College on 11.12.1981, promoted as Reader on 11.12.1991 and done Ph.D in the year, 2002 and going to retire on 31.12.2022. Petitioner no. 4 was appointed as a Lecturer in the subject of Physics in B.S.K. College, Maithon on 03.12.1981, promoted as Reader on 03.12.1991 and done Ph.D in the year, 1999 and going to retire on 30.04.2023. Petitioner no. 5 was appointed as a Lecturer in the subject of Zoology in Bokaro Steel City College on 24.11.1981, promoted as Reader on 24.11.1991 and done Ph.D in the year, 1999 and going to retire on 31.01.2022. Petitioner no. 6 was appointed as a Lecturer in the subject of Commerce in J.N. College, Dhurwa on 02.01.1979, promoted as Reader on 02.01.1989 and done Ph.D in the year, 1998 and going to retire on 31.12.2021. Petitioner no. 7 was appointed as a Lecturer in the subject of Chemistry in St. Columbus College, Hazaribagh on 11.01.1982, promoted as Reader on 11.01.1992 and done Ph.D in the year, 2012 and going to retire on 28.02.2023. Petitioner no.8 was appointed as a Lecturer in the subject of Political Science in Birsa College, Khunti on 12.12.1981, promoted as Reader on 12.12.1991 and done Ph.D in the year, 1998 and going to retire on 31.12.2021. Petitioner no. 9 was appointed as a Lecturer in the subject of English in R.S.P. College, Jharia on 28.11.1981, promoted as Reader on 28.11.1991 and done Ph.D in the year, 2001 and going to retire on 31.10.2022. Petitioner no. 10 was appointed as a Lecturer in the subject of Zoology on 26.11.1981, promoted as Reader on 26.11.1989 and done Ph.D in the year, 1988 and retired on 29.02.2020 from Vinoba Bhave University, Hazaribagh. Petitioner no. 11 was appointed as a Lecturer in the subject of Mathematics in Sindri College, Sindri on 15.01.1982, promoted as Reader on 28.01.1992 and done Ph.D in the year, 2003 and going to retire on 31.10.2023. Petitioner no. 12 was appointed as a Lecturer in the subject of Chemistry in Mahila College, Chaibasa on 01.02.1979, promoted as Reader on 01.02.1989 and done Ph.D in the year, 1998 and going to retire on 01.09.2021. Petitioner no. 13 was appointed as a Lecturer in the subject of Geography in St. Columbus College, Hazaribagh on 16.03.1982, promoted as Reader on 16.03.1992 and done Ph.D in the year, 2002 and retired on 31.01.2020 from the Department of Geography, Vinoba Bhave University, Hazaribagh. Petitioner no. 14 was appointed as a Lecturer in the subject of Physics in K.O. College, Gumla on 25.11.1981, promoted as Reader on 25.11.1991 and done Ph.D in the year, 1996 and going to retire on 31.07.2023. Petitioner no. 15 was appointed as a Lecturer in the subject of Physics in Gatshila College on 07.12.1981, promoted as Reader on 07.12.1991 and done Ph.D in the year, 2002 and retired on 31.12.2019.

Petitioner no. 16 was appointed as a Lecturer in Bokaro Steel City College, Bokaro on 23.11.1981, promoted as Reader on 23.11.1991 and done Ph.D in the year, 1993 and retired on 31.07.2010. 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 mentioned in the paragraph no.32 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. Mr. Amresh Kumar, 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. He 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.