
(2021) 03 JH CK 0011
In the Jharkhand High Court
Case No : Writ Petition(S) No. 4443 Of 2020

Mithila Prasad Singh And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-03-2021

Acts Referred:

Citation : (2021) 03 JH CK 0011

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Saurav Arun, Ashwini Bhushan, A.K. Mehta, I. Sen Choudhary

Final Decision : Disposed Of

Judgement

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

State, Mr. Manish Kumar, learned counsel for the respondent- nos. 3 & 4 and Mrs. I. Sen 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 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 B.S.K. College, Maithon

on 22.12.1981, promoted as Reader on 22.12.1991 and done Ph.D in the year, 1987 and retired on 31.08.2017. The petitioner no. 1 was Lecturer in

the subject of Political Science. Petitioner no. 2 was appointed as a Lecturer in B.S.K. College, Maithon on 07.01.1982, promoted as Reader on

07.01.1992 and done Ph.D in the year, 1989 and retired on 31.01.2018. The petitioner no. 2 was Lecturer in the subject of Commerce. 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 Othrs"" 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. Mrs. I. Sen Choudhary and Mr. Manish Kumar, the learned counsel for the Vinoba Bhave University and Binod Bihari Mahto Koylanchal

University jointly submit that it is in the domain of the State to consider the case of the petitioners. They 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.