
(2018) 02 RAJ CK 0017
In the Rajasthan High Court
Case No : 1098 of 2008

Mohanlal Sukhadia University

APPELLANT

Vs

Shri Bodu Ram Jat & ORS

RESPONDENT

Date of Decision : 01-02-2018

Acts Referred:

Citation : (2018) 02 RAJ CK 0017

Hon'ble Judges : Ramchandra Singh Jhala

Bench : Single Bench

Advocate : Jagdish Vyas., S.S. Ladrecha, Harish Purohit

Judgement

1. Heard learned counsel for the parties.
2. In the State of Rajasthan, Mohanlal Sukhadia University, Jodhpur University as also Jay Narayan Vyas University have been established by the State Government. The Universities are fully funded by the State Government. The respondents, working as Professional Assistants in Mohanlal Sukhadia University were claiming placement in the pay scale Rs. 700-1600 with effect from 1.4.1980 and its replacement pay scale of Rs. 2200-4000 with effect from 1.1.1986. Basis of the claim was that working as Professional Assistants they possessed qualifications prescribed for the post of Assistant Librarian. On 25.3.1985 University Grants Commission had agreed that for Central University, Professional Assistants who were in the pay scale of Rs. 550-900 should be placed in the pay scale Rs. 700-1600 w.e.f. 1.4.1980 if they possessed the qualifications prescribed for the post of Assistant Librarian, for the reason the post of Assistant Librarian was in the pay scale of Rs. 700-1600.
3. The University agreed with the stand taken by the Professional Assistants.

4. We highlight that all the three Universities agreed for the same. As regards Mohan Lal Sukhadia University, the University even implemented its

decision but because of the State Government not giving concurrence has not only to withdraw the decision but effect recoveries, and this

necessitated the writ petitions to be filed by the respondents.

5. The learned Single Judge, vide impugned order dated January 7, 2008, allowed the three writ petitions filed by the respondents noting that other

Universities like Jodhpur University were paying salary to Professional Assistants who had the qualifications for the post of Librarian in the pay

scale of ₹700- 1600 with replacement pay scale which was notified from time to time.

6. Delving a little back in history, relevant would it be to note that for the non-teaching staff of the Universities established by the State of

Rajasthan, Ranawat Pay Commission was constituted. The recommendations of the Ranawat Pay Commission were implemented with effect from

01.09.1968 pursuant to the sanction granted by the Government of Rajasthan on 27.02.1971. Accordingly, as recommended by the Ranawat

Commission the pay scale applicable to the posts in Libraries in Government Colleges was made applicable to the post of Senior Technical

Assistants/ Professional Assistants.

7. By a communication dated 24.04.1993 the Government of Rajasthan conveyed sanction to implement the decision dated 08.10.1990 in S.B.

Civil Writ Petition No.608/1982 to the effect that pay scale of the staff in the Libraries working in the Government Colleges be at par as

recommended by the University Grants Commission with effect from 01.04.1980. Professional Assistants who were in the pay scale Rs. 590-

1050 were accordingly to be brought in the pay scale Rs. 700-1600 and thereafter the replacement pay scale Rs. 2200-4000 with effect from

01.01.1986.

8. The University took the right decision keeping in view the historical background emanating from the recommendations of the Ranawat Pay

Commission which were accepted by the Government.

9. We find that except for informing the Court that the Government is not agreeable to the placement of Professional Assistants in the pay scale Rs.

700-1600 and its replacement pay scales, no reason for the decision have been

given by the State. Once the historical parity given by Ranawat

Pay Commission to equate Professional Assistants/ Senior Technical Assistants with Assistant Librarians provided they were qualified to be

appointed as Assistant Librarians is accepted, the logical corollary would be the application of the replacement pay scales.

10. We find not infirmity in the view taken of the learned Single Judge and while dismissing the writ appeals we direct the State of Rajasthan to

make available the necessary finances to the appellant University for the reason it is the State which has established the University and as a State is

obliged to follow the law.