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(2021) 01 RAJ CK 0180

In the Rajasthan High Court

Case No : Civil Writ Petition No. 11121 Of 2017

Omprakash Purohit — APPELLANT

Vs

State Of Rajasthan And Ors — RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Citation : (2021) 01 RAJ CK 0180

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Deepika Purohit, G.S. Chouhan, K.K. Bissa

Judgement

1. It is submitted by learned counsel for the petitioner that the issue raised in the present writ petition is squarely covered by passed in Gordhan Mal

Singhvi v. State of Rajasthan & Ors. : S.B.C.W.P. No. 5118/218 and Division Bench judgment in State of Rajasthan & Anr. v. The Management

Committee Sh. Bhagwan Das Todi College : D.B. Special Appeal(Writ) No. 663/2015, decided on 06.11.2015.

2. Learned counsel appearing for the respondent - State submits that though the reply to the writ petition has been filed on behalf of the respondent

Nos. 1 to 3, which is sworn by District Education Officer, Secondary Education-I, Education Department, Nagaur, the petitioner has impleaded the

Commissioner, Elementary Education, Rajasthan, Bikaner and the District Education Officer, Elementary Education, Nagaur, whereas, it is the

Director, Secondary Education, Bikaner and the District Education Officer, Secondary Education-I, Nagaur, who are the relevant authorities.

3. In the circumstances of the case, wherein, respondent No. 1- State has been impleaded and the response to the writ petition on behalf of

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respondent Nos. 1 to 3 has been filed by the District Education Officer, Secondary Education, Nagaur, it is directed that instead of the Commissioner,

Elementary Education, Rajasthan, Bikaner and the District Education Officer, Elementary Education, Nagaur as respondent Nos. 2 and 3, the

Director, Secondary Education, Rajasthan, Bikaner and the District Education Officer, Secondary Education, Nagaur respectively shall be read as

respondents.

4. The submissions made by learned counsel for the petitioner regarding the issue being concluded by judgments in the case of Gordhan Mal Singhvi

(supra) and Bhagwan Das Todi College(supra) are not disputed by learned counsel for the respondents.

5. In view of the above, the writ petition filed by the petitioner is allowed in light of and with the similar directions as in the case of the above

judgments in the following terms:-

(1) Within 60 days from today, the respondent No.3 shall make payment of the amount to the petitioner towards arrears of salary as a result of

fixation under the grades under the Revised Pay Scales Rules; towards selection grades upon completion of 9,18 and 27 years of service; towards

leave encashment; and towards gratuity and provident fund alongwith interest @ 12% per annum from 23.07.2008 until the date of payment.

(2) The respondents Nos.1 and 2 shall grant approval and release the grant-in-aid within 60 days from the date of the respondent No.3 submitting in its

claim in accordance with the provisions of the Rules of 1993 and the applicable decisions.

6. Further, the respondent Nos.1 to 3 and 4 are also directed to comply with the direction as given/observations made in the case of Bhagwan Das

Todi College (supra), wherein, inter alia, the following direction have been given regarding payment:-

The Special Appeals filed by the State Government are without substance and accordingly dismissed and taking note of the Sec.31(2) of the Act,

1989 we direct the Non-Government Educational Institutions to prepare due drawn statement of each of the employees of their Institution who have

worked against sanctioned & aided posts in regard to their arrears of salary and other dues which are approved expenditure to the extent of grant-in-

aid and the same be sent to the State Government and the State Government

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after its due verification from their records will make payment of arrears

to each of the employee who either have now become members of Rules, 2010 or have retired or left the job (up to the period one has worked) and to

other employees similarly situated under intimation to the concerned Non-Government Recognized Institution.

7. In the circumstances of the case needful may be done within a period of three months from the date of this order.

8. The stay application also stands disposed of accordingly.

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