
(2010) 10 SHI CK 0364
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 5495 of 2008

Parkash Chand

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 22-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0364

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

(1) That the applicant be placed in the pay scale of language teacher/Prabhakar Grade with effect from June, 1979 and the Respondents be ordered to release all the differences of arrears of pay which had legally accrued to the applicant along with interest @ 18% P.A.

(2) That the applicant be given due seniority as has been granted to the other employees of the Respondent Nos. 1 to 3 Deptt. The applicant be also granted all the ancilliary benefits which would have accrued to the applicant from June, 1979.

2. In the reply, it is stated as follows:

1. That the applicant has sought the relief to the effect that he may be placed in the pay scale of Language Teacher w.e.f. June, 1979, on the basis of having passed the Prabhakar Examination in November 2, 1979.

2. That according to the orders of the Govt., teachers who improve their academic/professional qualifications in between 13.2.1958 and 27.9.1979 are entitled to the pay scale of the post for which improved qualification is prescribed under the Recruitment and Promotion Rules.

3. That the applicant has passed Prabhakar Examination on 2nd November,

1979, which qualification is prescribed for Language Teacher. But the applicant has qualified and passed the examination two months" later than the prescribed dated i.e. 27.9.1979.

4. That the dates prescribed for passing the higher qualification cannot be changed/varied to the convenience of an individual. In view of this the benefit of higher pay scale cannot be granted to the applicant.

3. It is not in dispute that the Petitioner appeared for the examination in June 1979, as can be seen from Annexure A-3. But it is the University which delayed the publication of the result for a long period after November, 1979. The contention of the Petitioner that once he has been declared as passed in the examination held in June, 1979, for all purposes, he should be treated to have been qualified as per the examination which was held in June, 1979, the date of examination. We find force in the submissions. Since no laches is attributed on the part of the Petitioner for the delay on the part of the University for publication of the result, the matter requires fresh look if necessary by giving the relaxation as is permissible under the Rules in terms of equity and justice. Therefore, there will be a direction to the first Respondent to look into the matter and take appropriate action in the light of the observations contained in this judgment within a period of four months from the date of production of a copy of this judgment along with a copy of the writ petition and the reply furnished by the Director before the first Respondent.

4. The writ petition is disposed of, so also the pending applications, if any.