

**(1975) 09 SC CK 0047**

**In the Supreme Court Of India**

**Case No : Civil Appeal No. 2019 of 1972**

Rampalit Vyakaran Acharya and Others

APPELLANT

Vs

Punjab University, Chandigarh and Another

RESPONDENT

**Date of Decision : 22-09-1975**

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** AIR 1975 SC 2478 : (1975) LabIC 1751 : (1976) 2 LLJ 1 : (1976) 3 SCC 282 : (1975) 7 UJ 828

**Hon'ble Judges :** P. K. Goswami, J;N. L. Untwalia, J;A Alagiriswami, J

**Bench :** Full Bench

**Advocate :** Hardayal Hardy, S. K. Mehta, K.R.Nagaraja, M. Qamaruddin and P.N. Puri, for the Appellant; K. Sibal and D.N. Misra, for the Respondent

**Final Decision :** Allowed

## Judgement

P.K. Goswami, J.—This is a case where certain Sanskrit teachers educated in the traditional way and obtaining degrees of Acharya are smarting under a grievance that they have the worse even in their own field of operation by the yardstick of the prevalent standard in the modern universities;

2. The four appellants are Acharyas and were appointed in the Vishveshvaranand Institute of Sanskrit and Indological Studies Hoshiarpur (briefly the institute) between the years 1944 and 1963 in the teaching department as pandits. The teaching work in the institute commenced in the year 1960. The first appellant started teaching besides his research work from that year. The other appellants were doing teaching as well as research from the dates of their respective appointments.

3. The institute was taken over by the Punjab University on November, 1967 giving it effect, however, from April 1, 1966. The Vice-Chancellor's recommendations that the pay scales of personnel in the traditional section be brought in line with the grades obtaining in the University were 'agreed to' (para

3 of the special Leave Petition) at the meeting of the Board of Control. On April 1, 1966, the scale of pay of the appellants in the Institute was Rs. 100-8-22-10-300. The University fixed their grade at Rs. 145-7-180-12-200 and that is their grievance. They claim the equivalent grade of Acharyas in accordance with the revised scale in 1969.

4. It appears the senate approved the resolution of the Board of Control dated November 4, 1967, which reads as follows :

That the following recommendation of the Committee appointed by the Board of Control of V.V.R I. and I.S. Hoshiarpur, regarding pay scales, fixation of the salaries of the personnel in the Tradition Section, so as to bring in line with the grades prevailing in the University to Sich be approved.

5. The Punjab University's letter of November 6, 1969 contains the resolution regarding revision of pay scales of teaching personnel. The contents of this letter show that the Syndicate vide para 66 of its proceedings dated October 26, 1969, had approved the following pay scales for teachers of affiliated/associated Sanskrit Institutions in Punjab, Haryana, Himachal Pradesh and Union Territory, Chandigarh :

Category Present pay scale Proposed pay scale Shastri plus B.A. Rs. 150-10-250 Rs. 220-10-350/15-500. or Shastri plus Prabhakar Acharya Rs. 150-10-250 Rs. 300-25-450/25-600. or Shastri plus M.A. Sanskrit Principal Rs. 200-15 320/ Rs. 400-30-640/40-800. 20-500 6. Having failed to get a favourable decision from the University about fixation of their grades as per the aforesaid resolution, the appellants filed an application under Article 226 in the High Court of Punjab and Haryana which was dismissed by the learned single Judge. A letters Patent Appeal met with the same fate. Hence appeal by special leave.

7. The only submission made on behalf of the University before us is that the scale of Rs. 303-600 which is the proposed pay scale in place of the earlier scale of Rs. 150-250 is available to Acharyas provided they have also an M.A degree in Sanskrit. This is the meaning which was given by the University to the resolution quoted above and the same is pressed into service before us by Mr. Sibbal. We are, however, unable to accept the submission.

8. That Acharya is equivalent to M A. is clear from the letter No. F. 46-I/63-SU dated January 23, 1964, from the Government of India, Ministry of Education to the Education Secretaries of all the State Governments/Union Territory Governments/Administrations and Registrars of all Universities on the subject of equivalence of Sanskrit Examinations as given in an enclosed statement. Entry 21 in column I of that statement mentions the Punjab University, Chandigarh, where Shastri is shown as equivalent to B.A. and Acharya to M.A. It is significant to note from the letter of the Ministry of Education that Government is keen regarding development of Sanskrit in the country and it has impressed upon all the Universities, 'that they should employ at least one traditional Sanskrit Scholar and the scholar so employed should enjoy the same status and pay-

scales as his counterparts trained on modern lines with equivalent degrees". It goes on further to say "that the employment of traditional Sanskrit Pandits in High/Higher Secondary Schools/Colleges should also be given the due encouragement. Teachers so employed should be treated on par with other teachers possessing equivalent qualifications of the general educational set up".

9. That being the position the appellants should have a real grievance if being Acharyas they re now shown the cold shoulder by the University in not giving them their due recognition. From the letter of the Registrar, Punjab University, dated November 6, 1969, quoted above, it is clear that Shastri plus B.A. or Shastri plus Prabhakar is one category and is interior to Acharya which is at par with Shastri plus M A. Sanskrit. It is, therefore, clear even from the above letter of the University that Acharyas need not have in addition an M.A. degree in Sanskrit in order to be entitled to the grade of Rs. 300-600 quoted above. It is, therefore, clear that after their services have been taken over by the University, the appellants will be entitled to scales of pay appertaining to Acharyas and as available to them during the relevant period. Their claim to such scales cannot be defeated by the fact they are not also in addition holders of M.A. degree in Sanskrit.

10. No other point was canvassed before us on behalf of the respondents.

11. In the result, the appeal is allowed and the judgment of the High Court is set aside. The Punjab University is directed to allow their cases of pay for Acharyas to the appellants from the time of their entitlement to the same. The appellants will be entitled to their costs here as well as in the High Court.