
(2010) 07 JH CK 0082
In the Jharkhand High Court

Ravindra Sharma and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-07-2010

Acts Referred:

Citation : (2010) 07 JH CK 0082

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasaad, J.—Heard learned Counsel appearing for the parties.

2. Learned Counsel appearing for the petitioners submits that these three petitioners were appointed as Assistant Professor in the Department of Mathematics in Magadh Engineering College, Gaya. Subsequently, that college was taken over by the State of Bihar by virtue of notification dated 31.1.1991. In course of time, the petitioners were transferred to B.I.T, Sindri. but the pay of the petitioners was not fixed as per the guidelines given by All India Council for Technical Education, in the revised pay scale though in case of other teaching and non-teaching staffs it were fixed, therefore, the petitioners moved to this Court, vide W.P.(S) No. 2286 of 2005 and this Court, vide its order dated 17.5.2005 directed the petitioners to file detailed representation before the respondent No. 2, the Secretary, Department of Science and Technology, Government of Jharkhand, Ranchi. Pursuant to that, representation was made before the respondent No. 2 and the respondent No. 2, vide its order dated 30.3.2006 rejected the claim of the petitioners of fixation of the salary in the revised pay scale on the ground that petitioners' appointment had never been concurred by the Jharkhand Public Service Commission.

3. Being aggrieved with that order, this writ application has been filed challenging the order on the ground that it is discriminatory as the revised pay scale has been fixed so far other teachers are concerned whereas revised pay scale has not been given to the petitioners. Moreover, Jharkhand Public Service Commission, vide its order dated 31.10.2008 as contained in Annexure 15 has recorded its

concurrence to the appointment of the petitioners and subsequently, an order was issued whereby concurrence has been given with effect from 31.1.1991. Hence, under this situation, there has been no impediment in fixing the salary of the petitioners in the revised pay scale, as per direction of the All India Council for Technical Education.

4. In view of the facts and circumstances, this writ application is disposed of with a direction to the petitioners to again file a representation before the Secretary, Department of Science and Technology, Government of Jharkhand, Ranchi within a period of two weeks from today so that necessary order with respect to fixation of the salary in the revised pay scale be passed within four weeks thereafter.