

**(2021) 01 JH CK 0149**  
**In the Jharkhand High Court**  
**Case No : Writ Petition(S) No. 3902 Of 2020**

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|------------------------------|----|------------|
| Sachchidanand Sharma And Ors | Vs | APPELLANT  |
| State of Jharkhand And Ors   |    | RESPONDENT |

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**Date of Decision :** 14-01-2021

**Acts Referred:**

**Citation :** (2021) 01 JH CK 0149

**Hon'ble Judges :** Sanjay Kumar Dwivedi, J

**Bench :** Single Bench

**Advocate :** Saurav Arun, Deepak Kumar Dubey, Indrani Sen Choudhary

**Final Decision :** Disposed Of

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## Judgement

1. Heard Mr. Saurav Arun, the learned counsel for the petitioner, Mr. Deepak Kumar Dubey, the learned counsel appearing on behalf of the respondent State and Mrs. Indrani Sen Choudhary, the learned counsel appearing on behalf of the respondent University.
2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.
3. The petitioner has preferred this writ petition for a direction upon the respondents for payment of the arrears of salary as per 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> pay revision to the petitioner in the pay scale of Rs.12000-420- 18300/- with effect from 01.01.1996 till 30.05.2005 which has not been paid to the petitioner as the issue is no more res integra and decided by this Court and also affirmed up to the Division Bench of this Court by which the issue

regarding two pay scales of Reader have been struck down considering only one post of Reader in view of the judgment passed by this Court in W.P.

(S) No.4162 of 2013 affirmed in L.P.A. No.661 of 2019.

4. Mr. Saurav Arun, the learned counsel for the petitioner submits that the petitioner no.1 was appointed as a Lecturer as on 18.01.1982 in K.B.

College, Bermo, promoted as Reader as on 18.01.1992 and done Ph.D on 6th July, 1982, the petitioner no.1 retired on 29.02.2012 from K.B. College,

Bermo as a Reader (Associate Professor), similarly petitioner no.2 appointed as Lecturer on 01.01.1981 in K.B.College, Bermo, promoted as Reader

on 01.01.1991 and done Ph.D. on 07.02.1991 and retired on 30.11.2016, the petitioner no.1 was Lecturer in the subject of Mathematics whereas the

petitioner no.2 was Lecturer in the subject of Zoology. It is averred in the writ petition that under the career advancement scheme of the UGC which

shows that minimum length of service for eligibility to move in the grade of Lecturers, senior scale would be 4 years for those with Ph.D, 5 years with

those M.Phil and 6 years for those at the level of Lecturers and for eligibility to move into the grade or Reader/Lecturers -Selection Grade, the

minimum length of service of Lecturer in senior selection grade shall be uniformly 5 years. It is mentioned in the paragraph no.32 of the writ petition

that it will be evident from the order dated 06.09.2019 after the order passed in LPA No.22/2018, the State Government came out with a notification

directing all the Universities to state that total number of Readers of the entire State in various Universities who were granted promotion under 'Time

bound promotion scheme/ Merit promotion scheme', meaning thereby after the order passed by the Division Bench, the respondent/State is taking

stand for paying the arrears to all the Readers in one pay scale i.e. Rs.12,000-420-18,300/- in 5th, 6th and 7th pay revision committee. It is mentioned

that the petitioners were otherwise eligible for being placed at the Lecturer Selection Grade in the scale of Rs.12,000-420-18,300/- at the time of

promotion to the post of Reader under the scheme, but they have been placed in the Scale of Rs.10,000-15,200/-. He further submits that the issue is

no more res integra in view of the judgment rendered by this Court in ""Prashant Kumar Mishra and Others v. State of Jharkhand and Others, in W.P.

(S) No.4162 of 2013 and ""Geeta v. State of Jharkhand and Others"" in W.P.(S) No.3690 of 2018. He submits that the matter may kindly be disposed of

with a direction to the respondent State to consider the case of the petitioner in the light of the judgment rendered by this Court in cases of ""Prashant

Kumar Mishra & Others v. State of Jharkhand and Others"" and ""Geeta v. State of Jharkhand and Others"".

5. Mrs. Indrani Sen Choudhary, the learned counsel for the University submits that it is in the domain of the State to consider the case of the

petitioner. She further submits that if any rectification will be done by the State Government, the University shall comply the same.

6. The learned counsel for the respondent State submits that the identical matters in the case of ""Prashant Kumar Mishra"" and ""Geeta"" (supra) the

matter has been set at rest which was affirmed in L.P.A. No.22 of 2018. It is stated that on the basis of the above mentioned judgments, the Court

may dispose the instant case accordingly.

7. In view of the above admitted position, the respondent State is directed to consider the case of the petitioners in the light of the judgment rendered

by this Court in ""Prashant Kumar Mishra"" and ""Geeta"" (supra) and also L.P.A. No.22 of 2018 and pass appropriate reasoned order within a period of

8 weeks from the date of receipt /production of a copy of this order.

8. It goes without saying that if the decision is taken in favour of the petitioner the same shall be communicated to the University within a period of

four weeks so that the benefit of the same may be accrued to the petitioners at the earliest.

9. With the above observations and direction, the instant writ petition [W.P.(S) No.3902 of 2020] stands disposed of.

10. I.A., if any, also stands disposed of.