
(1996) 11 AHC CK 0110

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 2766 of 1996

Sangharsh Samiti Shikshak Samudaya Vibhagiya Pathshala
and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 01-11-1996

Acts Referred:

Citation : (1997) 1 UPLBEC 117

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Ashok Khare, for the Appellant; S. C., for the Respondent

Final Decision : Allowed

Judgement

M. Katju, J.—Heard Sri Ashok Khare for the petitioner and learned Standing Counsel for the respondents.

2. In this case on 22-1-1996 this Court granted four weeks" time to file counter affidavit but as yet no counter affidavit has been filed although more than nine months has expired. I am not inclined to grant any further time for filing counter affidavit as requested by the learned Standing Counsel.

3. I dispose of this petition finally treating the allegations of the petitioner as correct.

4. A. This petition relates to the teachers of Primary Schools receiving grant-in-aid from the Social Welfare Department. There are 516 such Primary Schools receiving grant-in-aid which are privately managed but are recognised by the Board of Basic Education, U. P. In Allahabad district, there are 36 institutions as stated in Paragraph 3 of the petition. There are several grievances of the petitioners members. First, it is alleged that they have not been given salary for a long period. Despite order of this Court dated 22-1-1996, they have not been paid salary for a long period. The second grievance is that they should be paid the same salary as the teachers of Primary Schools ran by the Basic Shik sha

Adhikari and given other allowance and facilities. In my opinion, the prayer of the petitioner is justified on the principle of equal pay for equal work vide State of Haryana and others Vs. Rajpal Sharma and others, In paragraphs 40 and 41 of the writ petition it is stated that the teachers of primary Schools under the Department of Social Welfare are discharging the same work and duties as are being discharged by the teachers of primary schools run by the Board of Basic Education, U. P. or which are privately managed but are aided and recognised by the Board of Basic Education, U. P. These allegations are unrebutted.

5. Hence i find no rational justification in not giving the same pay scale of the teachers receiving grant-in-aid from the Social Welfare Department as are being paid to the teachers of the Board of Basic Education. The petitioner should also get the other benefits and allowances as the teachers of primary schools run by the Board of Basic Education.

6. This petition is allowed. A mandamus is issued to the respondent No. 1 to pay the same salary allowances and other benefits to the teachers of Primary Schools under the Department of Social Welfare as is being paid and given to the teachers of Primary Schools run by the Board of Basic Education, U. P. or which are privately managed but are aided and recognised by the Board of Basic Education. The arrears from 1-1-1996 till today shall be paid to the teachers of Primary Schools run under the Department of Social Welfare within three months from the date of production of a copy of this order before the authority concerned. The other benefits will also be implemented within the same period.