

(2009) 09 JH CK 0002
In the Jharkhand High Court

The State of Jharkhand, The Secretary, Human Resources Development Department, Higher Education Government of Jharkhand, The Director Higher Education Government of Jharkhand and The Deputy Secretary, Human Resources Development, Government of Jharkhand

APPELLANT

Vs

Maya Singh, Vice Chancellor and Registrar, Vinoba Bhave University

RESPONDENT

Date of Decision : 08-09-2009

Acts Referred:

Citation : (2009) 09 JH CK 0002

Hon'ble Judges : Gyan Sudha Mishra, C.J.; Dilip kumar sinha, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This appeal has been preferred against the respondent No. 1- Maya Singh, who has retired as a University Professor from Vinoba Bhave University. The respondent No. 1 was already promoted to the post of University Professor and after promotion she availed the scale of a University Professor and having successfully discharged her duty in such capacity she also retired from the service. However, when the occasion for payment of retiral dues as well as arrears of salary in the UGC scale and fixation of pension came up, the appellants reduced her pay to the scale of Lecturer, which she challenged before the learned Single Judge by filing a writ petition being W.P.(S) No. 2025 of 2004, which was allowed by the judgment and order dated 4.10.2005.

2. This appeal was listed before us for the first time on 21st July, 2008 after the matter was remanded by the Supreme Court.

3. The appellant-State of Jharkhand has preferred this appeal against the aforesaid judgment and order, in support of which the learned Senior Standing Counsel pressed hard to impress upon this Court that the reduction of pay scale from Professor to Lecturer, even after the retirement of the respondent No. 1 was

justified as she had not acquired 13 years of teaching experience on the post of Lecturer.

4. However, we find no substance in this plea as the respondent No. 1 had completed 18 years of teaching experience and a longer period out of that was spent on the post of Reader. Thus, she had acquired 18 years of teaching experience before she was duly granted promotion to the post of Professor. The learned Single Judge, therefore, in our view, was correct in allowing the writ petition of the respondent No. 1 and allowed her claim for arrear of salary on the basis of UGC scale and fixation of pay on the basis of last pay drawn by the respondent No. 1.

5. The contention of the appellant-State is that the respondent No. 1 was not duly qualified to be promoted as a Professor at the relevant time on 7.7.1988, who retired from the service in 2003. The dispute raised is that she was not duly qualified to be appointed as Professor and could not have been allowed to continue in that capacity after she superannuated, when she had already functioned as a Professor for approximately 15 years and all these years she had also availed the said pay scale of Professor. It is surprising that the appellant-State has raised the dispute regarding wrong fixation of pay scale on the post of Professor after so many years ignoring the fact that she had already discharged her duties as Professor for more than 15 years and also availed the scale of a Professor.

6. In the year 1988, when the respondent No. 1 was promoted as a Professor, she had also acquired 18 years of teaching experience, which was the requisite experience for promotion to the post of Professor. Under the backdrop of this long history, it was not open for the appellant-State to unnecessarily raise a dispute that the respondent No. 1 was not qualified to be promoted as a Professor as she had not discharged duties on the post of Lecturer for 13 years, meaning thereby that she was promoted as a Reader earlier than what was due to her. This controversy has rightly not been entertained by the learned Single Judge after 15 years of promotion of the respondent No. 1.

7. This appeal, thus, has no merit and hence it is dismissed.