

Devendra Prasad Mandal and Ors Vs. Education

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Court : Jharkhand

Decided On : May-08-2017

Appellant : Devendra Prasad Mandal and Ors

Respondent : Education

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 2931 of 2016

1. Chiranjeev Kumar Deo, S/o Late Manmohan Deo, resident of Rohini P.O. Rohini, P.S. Jasidih, District Deoghar

2. Dr. Nandan Kishor Dwivedi, S/o Late Sridhar Dubey, resident of Simaria, P.O. & P.S. Simaria, District Deoghar. Petitioners Versus

1. The State of Jharkhand through Chief Secretary, Govt. of Jharkhand, Project Bhawan, P.S. Jagarnathpur, District Ranchi

2. The Secretary, Higher and Technical Education Department, Govt. of Jharkhand, Nepal House, Ranchi, P.O., P.S. Doranda, District Ranchi

3. Sido Kanhu Murmu University, Dumka through its Registrar, Dumka, P.O., P.S. and District Dumka

4. The ViceChancellor, Sido Kanhu Murmu University, Dumka, P.O., P.S. and District Dumka

5. The Registrar, Sido Kanhu Murmu University, Dumka, P.O., P.S. and District Dumka
 6. The Professor in Charge, A.S. College, Deoghar, P.O., P.S. and District Deoghar. ... Respondents With W.P.(S) No. 3004 of 2016
1. Bharat Bhushan Prasad, son of Late Surya Banshi Prasad, resident of Mohalla Rajendra Nagar, Purandaha, P.O. & P.S. Deoghar, District Deoghar (Jharkhand)
 2. Dinesh Prasad Mandal, son of Late Sitaram Mandal, resident of Mohalla Belabagan, Durgabari, P.O. & P.S. Deoghar, District Deoghar (Jharkhand)
 3. Dr. Yogendra Yadav, son of Late Prayag Yadav, resident of Mohalla Indira Nagar, Circular Road, P.O. & P.S. Deoghar, District Deoghar (Jharkhand)
 4. Deodutt Mishra, son of Sri Panchanan Mishra, resident of Mohalla Bilasi Town, K.C. Nandi Road, P.O. & P.S. Deoghar, District Deoghar (Jharkhand) Petitioners Versus
1. The State of Jharkhand, through the Secretary, Higher & Technical Education Department, having its office at Project Building, P.O. & P.S. Dhurwa, District Ranchi
 2. Director, Higher & Technical Education Department, having its office at Project Building, P.O. & P.S. Dhurwa, Ranchi, District Ranchi
 3. Sido Kanhu Murmu University, Dumka, through its Registrar, 2 having its office at Dumka, P.O. & P.S. Dumka, District Dumka (Jharkhand)
 4. A. S. College, Deoghar, through its Principal/Prof. In Charge, P.O., P.S. and District Deoghar (Jharkhand) Respondents With W.P.(S) No. 3622 of 2016
1. Ashok Kumar Mishra, S/o Late Ram Narayan Mishra, resident of Chitrallekha Bhawan, R.N. Bose Road, Deoghar, PS Deoghar, Dist. Deoghar
 2. Dr. Pawan Kumar Jha, S/o Late Pratap Narayan Jha, resident of Pokhna Killha, Pandit B.N. Jha Path, Deoghar, PS Deoghar, Dist. Deoghar

3. Dr. Sobha Charan Khaware, S/o Prof. Tara Charan Khaware, resident of Reghunath Road, T. Bilasi, PS Deoghar, Dist. Deoghar

4. Riti Ballabha Narayan, S/o Late Dr. Hari Ballabha Narayan, resident of Belabagan, PO Dabur Gram, Deoghar, PS Deoghar, Dist. Deoghar
Petitioners Versus

1. The State of Jharkhand through Chief Secretary, Govt. of Jharkhand, Project Bhawan, PS Jagarnathpur, Dist. Ranchi 2. The Secretary, Higher and Technical Education Department, Govt. of Jharkhand, Nepal House, Ranchi

3. Sido Kanhu Murmu University, Dumka through its Registrar, Dumka, PO, PS and Dist. Dumka 4. The Vice-Chancellor, Sido Kanhu Murmu University, Dumka, PO+PS+Dist. Dumka

5. The Registrar, Sido Kanhu Murmu University, Dumka, PO+PS+Dist. Dumka

6. The Professor in Charge, A.S. College, Deoghar, PO+PS+Dist. Deoghar .
Respondents With W.P.(S) No. 3669 of 2016

1. Devendra Prasad Mandal, S/o Late Sargun Mandal, resident of Bela Bagan, behind of Raymond's Showroom, Deoghar, PO & PS Deoghar, Dist. Deoghar

2. Dr. Indurani Kesarwani, W/o Sri Ajit Kumar Kesari, resident of Bhagwan Complex, Sahilwala Rai Road, near Bhagwan Talkies, Deoghar, PO & PS Deoghar, Dist. Deoghar

3. Anil Kumar Roy, S/o Late Singheshwar Mahto, resident of Indira Nagar, Circular Road, Deoghar, PO & PS Deoghar, Dist. Deoghar
Petitioners Versus 3

1. The State of Jharkhand through Chief Secretary, Govt. of Jharkhand, Project Bhawan, PS Jagarnathpur, Dist. Ranchi 2. The Secretary, Higher and Technical Education Department, Govt. of Jharkhand, Nepal House, Ranchi

3. Sido Kanhu Murmu University, Dumka through its Registrar, Dumka, PO, PS and Dist. Dumka 4. The Vice-Chancellor, Sido Kanhu Murmu University, Dumka

5. The Registrar, Sido Kanhu Murmu University, Dumka,

6. The Professor in Charge, A.S. College, Deoghar, Respondents With W.P. (S) No. 3893 of 2016

1. Unmilika Das, wife of Sri Ashok Kumar Das, resident of C/o Prof. A. N. Mishra, Near Kali Bari, Bela Bagan, Deoghar, PO & PS Deoghar, Dist. Deoghar (Jharkhand)

2. Sambhu Nath Dutta, son of Late Bhola Nath Dutta, resident of Purandaha, Near Railway Crossing, PO & PS Deoghar, Dist. Deoghar (Jharkhand) Petitioners Versus

1. The State of Jharkhand, through the Secretary, Higher & Technical Education Department, having its office at Project Building, P.O. & P.S. Dhurwa, District Ranchi

2. Director, Higher & Technical Education Department, having its office at Project Building, P.O. & P.S. Dhurwa, Ranchi, District Ranchi (Jharkhand)

3. Sido Kanhu Murmu University, Dumka, through its Registrar, having its office at Dumka, P.O. & P.S. Dumka, District Dumka (Jharkhand)

4. A. S. College, Deoghar, through its Principal/Prof. in Charge, P.O., P.S. and District Deoghar (Jharkhand) ... Respondents CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR For the Petitioners : Mr. Indrajit Sinha, Advocate Mr. Vipul Poddar, Advocate [in W.P. (S) Nos. 3004/16 and 3893/16] Mr. K. P. Deo, Advocate [in W.P. (S) No. 2931/16] Mr. Vijay Shankar Jha, Advocate Mr. Manish Kumar, Advocate [in W.P. (S) No. 3622/16] Mr. Onkar Nath Tiwary, Advocate [in W.P. (S) No. 3669/16] For the Respondent University : Dr. Ashok Kumar Singh, Advocate [in W.P. (S) No. 2931/16] 4 For the Respondent State : Mr. Rajesh Kumar, G.P. V Ms. Sunita Kumari, JC to SC (L&C) 08/08.05.2017 By a common order dated 08.04.2016, claim for regularisation on the post of Lecturer in A.S. College, Deoghar has been declined by Secretary, Department of Higher and Technical Education (now redesignated as Higher and Technical Education and Skill Development Department).

2. The petitioners by filing these writ petitions have challenged this order inter alia, on the grounds; (i) the impugned order is a cryptic order which does not deal with the factual and legal foundation pleaded by the petitioners for regularisation in service, (ii) it is founded on a wrong factual premise in as much as, it records that the petitioners were not appointed on sanctioned posts, (iii) the qualification for appointment at the time of initial appointment which only can be insisted upon for regularisation has been overlooked, and (iv) appointment of the petitioners has been erroneously labelled as illegal appointment. Description of the petitioners is disclosed in the chart below :

Writ	Petitioner No.	Date of appointment	Subject
1.	02.01.1987	Sociology 2931	of 2016
2.	05.09.1988	History	
1.	26.05.1987	Physics	
2.	11.07.1984	Mathematics 3004	of 2016
3.	14.08.1987	Mathematics	
4.	01.08.1987	Zoology	
1.	15.03.1982	Botany 3893	of 2016
2.	01.07.1982	Statistics Labour and	1 07.04.1987 Social Welfare 3622 of 2016
2.	02.01.1986	English	
3.	23.12.1988	Commerce	
4.	15.05.1984	Geology	
1.	09.07.1986	Rural Economics 3699	of 2016
2.	01.08.1986	Rural Economics	
3.	06.07.1987	Rural Economics 5	

3. All the petitioners were appointed on purely adhoc basis on a fixed honorarium. The petitioners have pleaded that in response to letter dated 30.04.1985 from the ViceChancellor of Bhagalpur University posts in Science Faculty in A.S. College, Deoghar were sanctioned by the Department of Human Resources. On 23.06.1987, the college was inspected and a report was submitted whereunder a recommendation for five additional posts was made. In the chart appended to the inspection report dated 23.06.1987, name of some of the petitioners find mention. When services of the petitioners and other adhoc appointees were terminated, they approached the writ Court and finally the matter went to the Supreme Court in S.L.P. (C) No. 11078 of 1989. The Special Leave Petition and batch of writ petitions were heard together and disposed of by an order dated 06.12.1989, which was modified by an order dated 15.01.1990. Pursuant to the order passed by the Supreme Court, the petitioners resumed their duties on 15.09.1990. Again petitioners' services were terminated on 25.09.1997. A writ petition being C.W.J.C. No. 10128 of 1997 was filed by one of the similarly situated appointees. The writ petition was allowed on 10.05.1999 and thereafter, the petitioners also approached the writ Court in C.W.J.C. No. 3916 of 2000. By an order dated 05.07.2000, writ petition filed by the petitioners was allowed and consequently, they were continued in service.

4. One of the petitioners in the present batch of writ petitions and one Gyanendra Prasad approached this Court in W.P.(S) No. 3210 of 2003, for grant of basic scale in the payscale of Lecturer and for payment of arrears of salary and current salary. Another prayer in the writ petition was for a direction upon the respondents to take immediate steps for regular appointment of Lecturers in A.S. College, Deoghar and on commencement of the recruitment exercise due weightage should be accorded to the petitioners for their past services. The writ petition stood disposed of by an order dated 04.05.2012 in the following terms :

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20. Therefore, in the light of the aforesaid backgrounds, the case of the present petitioners who are rendering services as ad hoc lecturers since 198889, deserves to be considered by the Respondentsauthorities and therefore, this Court is of the

view that this petition is required to be disposed of by giving suitable direction to the Respondents authorities. Accordingly, the petitioners are directed to submit a detailed representation, justifying their claim before the Vicechancellor of the University authorities, through the Principal of the College, who in turn shall forward it to the State Government for its consideration along with its views/recommendation after careful consideration of the facts and circumstances and various orders passed by the University for regularization of services. Upon receipt of the representation by the State Government, the Respondents State authorities shall consider the same in the light of the judgment rendered by the Hon'ble apex Court in the case of Secretary, State of Karnataka & Others versus Uma Devi & Others case reported in (2006) 4 SCC 1, which is subsequently followed in the case of State of Karnataka & Others versus M.L. Kesari and others reported in (2010) 9 SCC 247 and the Division Bench judgment of this Court in L.P.A. No. 133 of 2008 in the case of Chandra Tirkey versus The State of Jharkhand & Others reported in 2010 (3) J.L.J.R. 192 as also in view of the fact that 51 such ad hoc lecturers have been regularized by the State Government. The State Government may also consider the total length of service and experience rendered by the petitioner as ad hoc lecturers while deciding the representation. The Respondent State Government shall also take into account the requirement of continuation of present petitioners on the basis of work load and shall consider the cases of the present petitioners in the light of the administrative exigencies of the College and University for continuation of the present petitioners who are rendering their services in the College since last more than 24 years. The Respondent authority shall afford an opportunity of personal hearing to the petitioners before taking any final decision in the matter. The final decision that may be taken in the matter, be communicated to the petitioners.

5. When the order in W.P.(S) No. 3210 of 2003 was pronounced, on a prayer of the learned counsel for the petitioners, a direction was issued to the respondents for considering the case of other similarly situated adhoc Lecturers also. Except, Bharat Bhushan Prasad, all other petitioners are covered under the further order recorded in the later part of order dated 04.05.2012. This order was challenged before the Letters Patent Court by the 7 State, but without success. Pursuant to the writ Court's order the respondent Secretary has passed the impugned order.

That is how, the petitioners are before this Court again.

6. Before adverting to the rival contentions raised on behalf of the parties, it would be appropriate to record that claim of the petitioners is required to be examined mainly in the light of the judgment in Secretary, State of Karnataka and Others Vs. Umadevi and Others reported in (2006) 4 SCC 1 and State of Karnataka and Others Vs. M.L. Kesari and Others reported in (2010) 9 SCC 247. 7. In the context of requirement for more than 10 years of continuous service, contention is that once the State did not initiate the process of appointment pursuant to order of the Supreme Court, the petitioners cannot be said to be continuing by virtue of the Court's order. It was a voluntary act of the University, well within the knowledge of the State in continuing the petitioners on the post of Lecturer. Simultaneously, it is also contended that once an illegal order has been quashed, which, in fact, has been done in C.W.J.C. No. 3916 of 2000, the petitioners shall be deemed to have continued in service without an order of the Court. This contention is liable to be rejected. Paragraph no. 53 in Umadevi assumes significance. The expression mentioned in paragraph no. 53 is continued to work for 10 years. Admittedly, prior to 10.04.2006 the petitioners did not work for the period between 10.04.1989 to 15.09.1990 and for the period between 25.09.1997 to 05.07.2000. May be, in a given case this period could have been considered as continuity in service for the purpose of grant of pension and other postretiral benefits, the petitioners who did not work for about 3 years does not fall under the requirement in paragraph no. 53 of Umadevi. 8. Extensive arguments have been made, whether the petitioners can be considered appointed on sanctioned posts or not. It is contended that by virtue of letter dated 30.01.1979 followed by another letter dated 30.09.1981 staffing pattern of the college shall be deemed to have been sanctioned. A reference to the inspection 8 report dated 23.06.1987 has also been made to make the above plea good. Judgment in Braj Kishore Singh and Others Vs. State of Bihar and Others reported in 1997 (1) PLJR 509 has also been pressed into service. Letter dated 30.01.1979 by the Education Commissioner, Government of Bihar which was issued in the context of creation of posts and letter dated 30.09.1981 which talks of approval of University, by no stretch of imagination can be construed as if staffing pattern of A.S. College, Deoghar was sanctioned. An inspection report, by the same logic, cannot become an order approving the staffing pattern. In this

context the judgment in Braj Kishore Singh also becomes relevant. A reading of decision in Braj Kishore Singh, in particular, paragraph no. 22 would reveal that if staffing pattern is approved, appointments made without prior approval of the State Government shall also be considered against sanctioned post. This judgment, thus, does not lend support to the case pleaded by the petitioners that they were appointed on sanctioned posts. It is a matter of record that the State of Jharkhand sanctioned 15 posts of teachers in A.S. College, Deoghar by an order dated 01.04.2003. It is also pertinent to point out that the total number of teachers appointed on adhoc basis in the said college was 24 whereas, only 15 posts have been sanctioned for Science Faculty. This would lead to an inference that it is not for the reason of the petitioners' continuing on adhoc basis in A.S. College why these posts have been sanctioned. Specific stand of the University is that no post in Labour and Social Welfare and Rural Economics has ever been sanctioned. The petitioners have also failed to produce an order which would disclose that posts except, for Science Faculty were sanctioned in other subjects on which the petitioners were working.

9. Contention of the petitioners is that once the University approved payrevision and the Syndicate, of which the Secretary of the Department is a member, forwarded a recommendation for regularisation of the petitioners, the University as well as the Department cannot be permitted to take u-turn and oppose the 9 prayer of the petitioners in the present proceeding. It is contended that the decision of the Syndicate could not have been overturned by the Secretary by the impugned order dated 08.04.2016. To this, suffice would be to record that the recommendation dated 16.08.2005 would disclose that it was a mere information given to the Government. Payrevision of the petitioners would not lead to a conclusion that they have been treated as regular employees. By now it has been conclusively declared that even a dailywages employee, if satisfies certain parameters, is entitled for minimum of payscale in which the regular appointees are working [refer State of Punjab and Others Vs. Jagjit Singh and Others reported in (2017) 1 SCC 148]. The draft Statute was never approved by the Government and the respondent University in its counteraffidavit has taken a specific plea that the Statute for absorption of 51 Lecturers in Regional and Local languages was duly approved by the Government. 10. Dr. Ashok Kumar Singh, the learned counsel for

the respondent University has extensively referred to various provisions under Bihar State Universities Act, 1976, to contend that the petitioners' initial appointment was illegal and not irregular and while so, their claim has rightly been rejected by the impugned order dated 08.04.2016. Section 57(v) of the Bihar State Universities Act, 1976 reads as under : The University shall make appointments to the posts of Teacher, duly sanctioned and communicated by the State Government, only on the recommendation of the Commission and no appointment to the post of teacher shall be made by the University without the recommendation of the Commission. Commission shall comply with the conditions laid down in this Section for making recommendations for appointment to the posts of teachers of the University according to their need. 11. The whole claim of the petitioners is based on an exception created in paragraph no. 53 of Umadevi. Admittedly, 10 there was no recommendation of the Commission for appointment of the petitioners on the post of Lecturer. There was no post duly sanctioned and created by the State Government at the time when the petitioners were appointed. Now once it is held that the petitioners did not work continuously for 10 years, by virtue of their continuation in service, they cannot claim regularisation in terms of the Regularisation Rules of 2015. Their appointment letter would reflect that they were appointed purely on a temporary basis. The respondent University has taken a stand that way back in the year, 1996 an exercise for recruitment on the posts available at that time was undertaken and if the petitioners did not qualify or did not participate in the selection process, merely on their continuation in service they do not become entitled for regularisation in service. In S.L.P.(C) No. 11078 of 1989 the Supreme Court issued the following directions: (i) The University Service Commission shall advertise the posts available for direct recruitment within four months. (ii) The Government shall consider the workload in each University and sanction such additional posts that may be required. Within the said period such additional posts shall also be filled regularly either by direct recruitment or by promotion as per rules and not by ad hoc appointment. (iii) The University/Government shall relax the maximum age prescribed for direct recruitment of teachers to the extent of service rendered by persons as ad hoc teachers. (iv) All the ad hoc teachers in service on February 10, 1989 against sanctioned posts shall continue till selection is made by the University, Service

Commission and they shall actually worked. (v) Other ad hoc teachers who have worked till that day must also be paid. (vi) The payment shall be made within one month.

12. The direction at Clause (ii) makes its apparent that the posts which were to be created have to be filled up by direct 11 recruitment or promotion in terms of the extant Rules. 13. Regularisation definitely is not a mode of recruitment. The petitioners by virtue of their continuance in A.S. College, Deoghar cannot lay a claim that they must be regularised in the college itself. All these years they had sufficient opportunity to take their chances for appointment in other colleges under different Universities. One of the contentions raised by the petitioners for challenging the impugned order dated 08.04.2016 is that the Principal of the College, which was not receiving any grant at the relevant time, was competent to make appointments. A decision in *Amarkant Rai Vs. State of Bihar and Others* reported in (2015) 8 SCC 265 has been referred to by Mr. Indrajit Sinha, the learned counsel for the petitioners to fortify this contention. Decidedly, the appointment which was made by the Principal has to be approved by the University. No order of the University approving the appointment of the petitioners on the post of Lecturer and, in turn, treating them regularly appointed Lecturers has been brought on record. Dr. Ashok Kumar Singh, the learned counsel for the respondent University has rightly contended that appointment of the petitioners on a post which was not sanctioned/created, by an authority who was not competent to make appointment and without recommendation of the Service Commission was illegal and not irregular. An illegal appointment can be terminated without issuing showcause notice, is the law [refer *Mohd. Sartaj and Another Vs. State of U.P. and Others* reported in (2006) 2 SCC 315 and *Pramod Kumar Vs. U.P Secondary Education Service Commission* reported in (2008) 7 SCC 153]. 14. Referring to the decision in *State of Jammu and Kashmir and Others Vs. District Bar Association, Bandipora* reported in 2017 (1) JBCJ 5 (SC), Dr. Ashok Kumar Singh, the learned counsel for the respondent University has contended that only genuine appointments are sheltered under the protective umbrella of regularisation in terms of paragraph no. 53 of *Umadevi* and no illegal appointment can be made legal in the garb of regularisation. The claim of the petitioners 12 that their contribution to the college is admitted by the University is of no relevance.

Eminence or usefulness of an appointee who was illegally appointed, cannot be a basis for regularisation. 15. Another ground for challenge to the impugned order dated 08.04.2016 is, that it has been passed in breach of rules of natural justice. Mr. K. P. Deo, the learned counsel for the petitioners has referred to decision in S. N. Mukherjee Vs. Union of India reported in AIR 1990 SC 1984, to submit that the impugned order does not deal with the submissions of the petitioners in the written note of argument. In this context, it needs to be recorded that the impugned order is a reasoned one and it speaks of grounds of rejection of the claim of the petitioners. Writ Courts do not interfere with an order, which may not be satisfactory or happily written or even unsustainable, if interference in the matter would perpetuate the illegality. Any interference with the impugned order dated 08.04.2016 would clothe an illegal appointment with approval of this Court. A writ of certiorari can be issued, in exercise of powers under Article 226 of the Constitution of India, only in the circumstances discussed in Syed Yakoob Vs. K. S. Radhakrishnan reported in AIR 1964 SC 477. The impugned order has been passed after hearing the petitioners; it is not contrary to any statutory rules and while so, no writ of certiorari in the instant case can be issued. The petitioners have also prayed for a direction for regularisation. A prayer for mandamus must be founded on a legal right, followed by a legal duty on the respondents which the respondents have failed to discharge. The petitioners cannot claim a legal right in themselves for an order of regularisation of their illegal appointments and, in law, there is no duty on the respondents to regularise illegal appointments. [Rai Shivendra Bahadur Vs. Governing Body of the Nalanda College, Bihar Sharif & Othes reported in AIR 1962 SC 1210].

16. Following the aforesaid discussions, challenge to the impugned order dated 08.04.2016 fails. However, there is one more aspect which cannot be left unattended. What is required to be considered by the Court is, that in W.P.(S) No. 3210 of 2000 one of the prayers was for grant of basic scale in the payscale of Lecturer on the principle of equal wages for equal work. Direction of the writ Court vide order dated 04.05.2012 has not been addressed by Secretary in its order dated 08.04.2016. An order of the High Court unless altered, modified or set aside is binding on all courts, tribunals and authorities. Law on this issue has been explained in S. Nagaraj and Others Vs. State of Karnataka and Another reported

in 1993 Supp. (4) SCC 595. In the counteraffidavit filed on behalf of the respondentUniversity and the respondentState this prayer has not been resisted. In State of Punjab and Others Vs. Jagjit Singh and Others reported in (2017) 1 SCC 148, the Supreme Court has laid down the following parameters for grant of minimum of pay in the payscale of the regular appointees on the principal of equal wages for equal work: (i) Claimant must prove that subject post occupied by him requires him to discharge equal work of equal value and sensitivity as reference post; (ii) mere fact that subject post occupied by claimant is in different department visavis reference post inconsequential; (iii) principle cannot be automatically invoked merely because subject and reference post have same nomenclature; (iv) differentiation of pay scales for posts with difference in degree of responsibility, reliability and confidentiality fall within realm of valid classification justifying pay differentiation; (v) persons performing similar functions, duties and responsibilities can be placed in different pay scales such as selection grade in same post but such difference must have legitimate foundation such as merit, seniority, etc.; 14 (vi) reference post with which parity is claimed must be in same hierarchy as subject post; (vii) principle inapplicable where subject post and reference post are in different establishments having different management or even where establishments are in different geographical locations though owned by same master; (viii) priority given to different types of post under prevalent Government policy can be relevant factor for placing different posts under different scales; (ix) principle inapplicable where differential higher pay scale is extended to persons discharging same duties and holding same designation with objective of ameliorating stagnation or decrease of lack of promotional avenues. 17. Facts pleaded by the petitioners and not controverted by the respondents, would lead to an inference that the petitioners are discharging duties similar to the work undertaken by other regular appointees. It is admitted at Bar that minimum of payscale of Lecturers as approved by the U.G.C. is in the scale of Rs. 15,600 to 39,000/. Accordingly, it is ordered that from November, 2005 to 03.05.2011 the petitioners shall be granted arrears of pay at the rate of Rs. 2200/ with other usual allowance and from 04.05.2012, they shall be paid the minimum of payscale of Lecturer. In the light of the prayer in W.P.(S) No. 3210 of 2000 and the direction of the Supreme Court in S.L.P.(C) No. 11078 of 1989, the respondentUniversity is

directed to issue a notice for regular appointment of Lecturers on the sanctioned vacant posts not only under A. S. College, Deoghar, but, also in all the colleges under it, within three months. Till the regular appointments are made, the petitioners shall not be removed from their post and, if disengaged by virtue of order dated 04.05.2012, they shall be continued in service. Appropriate age relaxation to the extent they have worked in the 15 college shall be granted to the eligible candidates if they participate in the selection by direct recruitment.

18. The writ petitions stand partly allowed, to the aforesaid extent. 19. I.A. No. 1337 of 2017 in W.P.(S) No. 2931 of 2016 stands disposed of. (Shree Chandrashekhar, J.) Amit/ A.F.R

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