

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.1608 of 1999

Date of decision: 18.05.2016

Raksha Devi and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioners.

Mr. Jangsher Singh Bhullar, DAG, Punjab.

RITU BAHRI, J.

The petitioners are seeking direction to the respondents to grant them pay according to their qualification as is being granted to their counterparts working in Government schools.

The petitioners are working as JBT teachers in various privately managed recognized aided schools in the State of Punjab. They have acquired the qualification of Giani/Prabhakar and are seeking direction to the respondents to pay higher pay scale as per the judgment passed by the Hon'ble Supreme Court in **State of Punjab and another Vs. Narain Dass & others**, Civil Appeal Nos.4029-4043 of 1998 (arising out of SLP (C) Nos.14522-14536 of 1995. In that case, the Hon'ble Supreme Court has held that the respondents were entitled to higher pay scale, which is being given to the teachers working in the Government schools on the basis of higher qualification, except increments.

This issue has been considered by a Co-ordinate Bench of this

Court in **Bodh Raj Sharma and others Vs. The State of Punjab and others**,

CWP No.20989 of 2010 (decided on 09.09.2011). The said petition was disposed of in view of the judgment passed by the Hon'ble Supreme Court in Narain Dass's case (supra).

Learned counsel for the State has informed that the judgment passed in Bodh Raj Sharma's case (supra) has since been implemented and a speaking order, in this regard, has been passed on 03.07.2015 by the Director Public Instructions (S.E.), Punjab. While implementing the said judgment, it has been observed that all the teachers, who were working or retired from the Privately Aided Schools in the State of Punjab and had acquired higher qualification before 19.02.1979 and were appointed on the aided posts before the said date, were entitled for higher pay scale from the date of their initial appointment or from the date they acquired such higher qualification like the government teachers as per instructions dated 23.07.1957. The petitioners will be entitled to the higher pay scale up to 31.12.1985. Thereafter, they will be entitled to the pay scale sanctioned for the post which they were holding as on 01.01.1986 as per the provisions contained in Punjab Pay Scale of Teacher Act, 2004.

In view of the said fact, this petition is allowed and a direction is given to the respondents to pass appropriate orders in view of the judgment passed in Narain Dass's case (supra) (Annexure P-6) and orders dated 03.07.2015 passed by the Director Public Instructions (S.E.), Punjab, within a period of three months.

18.05.2016
ajp

(RITU BAHRI)
JUDGE