

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6269 of 2015

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1. Ram Kumar Prasad Son of Late Moti Mahton. Resident of Mohalla - Ghaighri Tard, P.S.- Civil Lines, District - Gaya, at present Laboratory Assistant, Government Polytechnic, Gaya.
 2. Yogendra Prasad Rajak. Son of Late Gauri Prasad Rajak. Resident of Village - Paharpur, P.S.- Mahnar Road, R-S, District - Vaishali, at present Laboratory Assistant, in Nalanda Engineering College, Nalanda.
 3. Chandra Shekhar Prasad. Son of Late Shiv Narayan Prasad. Resident of Village - Pawai, P.S.- Parwalpur, District - Nalanda, at present Government Polytechnic Barauni, Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Director, Science and Technology Department Government of Bihar, Patna.
3. Principal, Government Polytechnic Gaya.
4. Principal Nalanda Engineering College, Nalanda.
5. Principal Government Polytechnic Barauni, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Nazir Ansari
For the Respondent/s : Mr.Subhash Pd. Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 17-07-2019 Heard counsel for the petitioners and counsel for the respondents-State.

Prayer has been made in the writ petition for grant of revised UGC pay scale corresponding to revised scale of Rs 8000-13,500/- with effect from 09.06.2005/06.07.2005 on completion of 16 years service.

Petitioners were Graduate Laboratory Assistants.

Learned senior counsel for the petitioners submits that



issue regarding parity of Laboratory Assistant in Government Colleges with Demonstrator stood concluded in terms of order dated 06.04.2010 passed in CWJC no. 5238/2006. This court in the said proceedings had held that Laboratory Assistants shall be deemed to be persons equivalent to Demonstrators on the date they came to be appointed as Graduate Laboratory Assistants and they are entitled to the UGC pay scale.

Issue was taken up by the respondent-authorities before the Division Bench as well as Apex Court. Judgment on the writ petition was not interfered with.

Similar prayer made in the instant proceedings was pending consideration. Same had been declined by order issued by the Director of Science and Technology, Government of Bihar dated 20.04.2016, which has been assailed by way of IA no. 1496/2018. Earlier this court had granted opportunity to the respondent-authorities taking note of the fact that grant of benefit as claimed by the petitioners had been decided in terms of the decision of the Principal Secretary of Science and Technology Department dated 24.07.2013. Respondents was thus given an opportunity to show as to how authority lower than Principal Secretary i.e. Director, Science and Technology Department could have denied the benefit contrary to, and in



violation of order passed by the Principal Secretary.

Supplementary counter affidavit has thereafter been filed. Claim of the petitioners as per stand of the respondents will be governed by UGC letter dated 21.07.1999 which is produced in counter affidavit which reads as follows:-

“ Those Demonstrators/ Tutors who will reach or would have reached a stage of Rs 8300/- in the revised scale of Rs 5500-9000/- or complete 16 years service in the scale of Demonstrators whichever is later could be granted a personal pay of Rs 8000/-13500/- equivalent to that of a lecturer”.

Premise which admittedly applied for grant of the said benefit has been reproduced by the respondents in their counter affidavit contemplates that Demonstrators/ tutors who have reached the stage of Rs 8300/- in the revised pay scale of Rs.5500- 9000/- or completed 16 years of service in scale of demonstrator, become entitled to personal pay of Rs 8000-13500/- equivalent to a lecturer.

Having taken note of the said decision respondents have proceeded to assign a reason that since the petitioners had not reached stage of scale of Rs 8000-13,500/- and scale claimed by them could not be granted to them.

The fact that the petitioners had completed 16 years of service which was taken note of while allowing such benefit by the Principal Secretary under its order dated 24.07.2013 has



been ignored altogether. The decision dated 24.07.2013 of the Principal Secretary has been duly approved by the Government as well as Finance Department. Said approval as per provision in UGC letter taken note of hereinabove appears to be in accordance with law.

The order issued by the Director merely relied upon one aspect of UGC letter and ignored other regarding petitioners having completed 16 years of service and is thus unsustainable in the eye of law.

Decision of Director dated 20.04.2016 is therefore, quashed. Respondent-authorities should proceed to grant benefit with all consequence to the petitioners in terms of decision dated 24.07.2013, if there is no other impediment in granting the same without raising issue that petitioners have not reached scale of Rs 8000-13,500/- on 31.12.2005.

Final decision should be taken by the authorities positively within eight weeks from the date of receipt/production of a copy of this order.

Writ petition stands allowed.

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(Madhuresh Prasad, J)

