

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 446 of 2016**

Smt. Jayanti Singh W/o Santosh Singh, Aged About 51 Years Presently Posted And Working As Librarian, Govt. Ghanshyam Singh Gupta, Post Graduate College, Balod, District Balod, Chhattisgarh Pin 491226, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh
2. Commissioner, Department Of Higher Education, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. Principal, Govt. Ghanshyam Singh Gupta, Post Graduate College, Balod, District Balod, Chhattisgarh Pin 491226, District : Balod, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dhani Ram Patel, Advocate
For State	:	Ms. Astha Shukla, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2019**

1. The relief sought for in the present writ petition is for appropriate direction to respondents to consider the claim of the petitioner for grant of pay scale payable to Librarian as per the UGC pay scale w.e.f. the date on which the petitioner acquired qualification essential for appointment to the post of Librarian.
2. The contention of the petitioner is that the petitioner was initially appointed as Assistant Librarian on 03/12/1985 and in due course of time he was regularized on the said post. Working on the post of

Assistant Librarian, the petitioner had completed her Post Graduation in MA(Sociology) in the year 1987. According to the petitioner on completion of Post Graduation degree the petitioner became eligible for being appointed on the post of Librarian and the petitioner was entitled for the pay scale of Librarian from the date on which the petitioner acquired qualification required for the post of Librarian. Counsel for the petitioner submits that similarly placed persons in the State of M.P. who were appointed along with the petitioner were granted the said relief vide an order passed by the M.P. State Administrative Tribunal in O.A. No. 543/1997 decided on 15/12/1999 in the case of Sudhir Tripathi Vs. State of Madhya Pradesh and Others. Similar benefits have been further extended to other identically placed persons who had also approached the Madhya Pradesh High Court in WP No. 3041/2010 and in WP No. 25285/2003(O.A. No. 2247/2000) and in WP No. 808/2009 and other similar writ petitions.

3. The petitioner further placed before this Court the order passed by the State of Chhattisgarh in a case of similarly placed person in the case of Smt. Usha Tiwari who was initially appointed as Assistant Librarian and who had acquired the qualification required for the post of Librarian working as an Assistant Librarian and the benefit was extended to the said Smt. Usha Tiwari vide order dated 18/10/2011

issued by the Office of Higher Education Department, State of Chhattisgarh.

4. Counsel for the petitioner submits that the case of the petitioner is identical to that of Smt. Usha Tiwari which has been decided by the authorities of the respondents on 18/10/2011.
5. Given the aforesaid facts and circumstances of the case this Court is of the opinion that since the State of Chhattisgarh has already given such benefit to Smt. Usha Tiwari who according to the petitioner is identically placed. Let the case of the petitioner also be examined by the respondent No. 2 and compare the case of the petitioner with that of Usha Tiwari's case and an appropriate decision be taken at the earliest preferably within a period of three months from the date of receipt of copy of this order. It is further made clear that while deciding the claim of the petitioner the respondent No. 2 shall also take note of the order passed by the M.P. State Administrative Tribunal as well as the judgments of the M. P. High Court in respect of similarly placed persons working in the State of Madhya Pradesh who were appointed along with the petitioner or during the same period.
6. With the aforesaid observations the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge