

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.6618 of 2009

Smt. Sandhya Pandey, aged about 46 years, W/o R.K. Pandey, Asstt. Professor-Hindi, (In-Charge Principal), Minimata Govt. Girls College, Korba, Distt. Korba (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Higher Education, D.K.S. Bhawan, Raipur.
2. The Director, Directorate of Higher Education, D.K.S. Bhawan, Raipur (C.G.)
3. Asstt. Director (Y), Directorate of Higher Education, Govt. Science College Campus, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Ravindra Agrawal, Advocate.

For Respondents/State: Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/06/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Mr. Ravindra Agrawal, learned counsel appearing for the petitioner, would submit that the petitioner has made representation to the Commissioner, Higher Education for grant of senior grade and selection grade from a particular date, but they have been given from later date and the representation has been dismissed by un-reasoned and non-speaking order which is unsustainable and bad in law and the petitioner is entitled for senior grade pay scale and selection grade pay scale with effect from 1992 and 1997, respectively.
3. Mr. Ravi Kumar Bhagat, learned State counsel, would oppose the writ

petition.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above.
5. It appears that the petitioner has made various representations from time to time for getting selection grade pay scale and that have been rejected by order Annexure P-9 dated 8-6-2009 (page 41 of the writ petition). No reason has been assigned as to why the petitioner is not entitled for selection grade from the date on which she has claimed. The Commissioner, Higher Education could have passed reasoned and speaking order, but that has not been passed, so that the petitioner may come to know the reason why her representation has been rejected and why she is not entitled for selection grade pay scale from particular date and in case challenge is made, this Court may also examine the correctness of the reason assigned and for refusing to grant such a pay scale.
6. In that view of the matter, order dated 8-6-2009 (Annexure P-9), signed on 15-5-2009, is quashed and the matter is remitted to the Commissioner, Higher Education for considering the representation of the petitioner afresh within 30 days from the date of receipt of a copy of this order. The petitioner is at liberty to make additional representation in support of her already filed representation.
7. With the aforesaid observation, the writ petition is partly allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge