

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 627 of 2019

Department of Higher Education, Appellants
Government of Odisha and another

Mr. Lalatendu Samantaray, A.G.A.
-versus-

Dr. Jayashree Sarangi Respondent
Mr. Devadutta Kavi Satapathy, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

ORDER
14.12.2022

Order No.

17. **I.A. No.1000 of 2019**

1. For the reasons stated, the delay in filing the writ appeal is condoned.
2. The I.A. is allowed.

W.A. No. 627 of 2019

3. The challenge in the present writ appeal is to a judgment dated 27th March 2019 passed by the learned Single Judge allowing W.P.(C) No.20728 of 2012 filed by the Respondent and directing the Appellants to grant the benefit of UGC scale to the Respondent with effect from the date of her initial appointment as Lecturer with effect from 1st June, 1987. The benefit had to be calculated within a period of six weeks and released in favour of the Respondent within a fortnight thereafter together with 6% simple interest per annum.

4. The background facts are that the Respondent was appointed as Lecturer in Odia in Shyamsundar Sanskrit College, Bhograi, District-Balasore from 1st June 1986, and the said post become eligible for grant from 1st June, 1987. The provisional approval for such appointment was issued by the Director, Higher Education, Odisha on 14th March 1990 acknowledging the said institution Shyamsundar Sanskrit College, Bhograi to be an aided College.

5. It appears that prior thereto on 4th October 1983 itself, the affiliation was granted to the said College by the Shree Jagannath Sanskrit Vishwavidyalaya (SJSV), Puri for the academic session 1981-82 and 1982-83.

6. While the above was a temporary affiliation, permanent affiliation was granted to the said College by SJSV, Puri on 6th January, 2011. The College offers a three-year Shastri (degree) course with effect from academic session 1986-87. The Respondent's claim for UGC pay scale was rejected by the Appellants by an order dated 22nd September, 2012.

7. Reliance is placed on Clause-3.1 of a resolution dated 6th October 1989 of the Education and Youth Services Department, Government of Odisha as regards extension of the UGC pay scales to College teachers. The said Clause-3.1 reads as under:

“3.1. *Coverage*- The revised scales and other measures for improvement of standards in Higher Education shall be applicable to all categories of full time Teachers working in all affiliated Government Collages and aided non-Government Colleges either covered or eligible to be covered under direct payment schemes till the 1st April 1989. The scheme will also be

extended to full time eligible Teachers working in the College of Accountancy and Management Studies, Cuttack.”

8. According to the Appellants although Clause-3.1 did extend the UGC pay scales to full time teachers working in all the affiliated Government Colleges and aided non-Government Colleges, it was only by a subsequent notification dated 31st January 1992 issued by the Education Department, Government of Odisha that the Shyamsundar Sanskrit College, Bhograi was recognized as a ‘Degree College’.

9. What the above notification dated 31st January 1992 does is to notify the status of the institutions imparting Sanskrit education. It obviously applied to institutions which had not yet been declared as Colleges. In other words, it did not apply to the institutions which were already Colleges and which stood affiliated to Universities. In the present case, as already noticed, Shyamsundar Sanskrit College was granted temporary affiliation from the academic year 1981-82 by the SJSV, Puri and permanent affiliation by the notification dated 6th January 2011 by the same SJSV, Puri. There is no question of affiliation to a University without the institution being ‘College’. In fact, in all the notifications of affiliation issued by the SSJV, the reference to the Shyamsundar Sanskrit Vidyalaya is as a ‘College’.

10. The Court, therefore, is of the view that the Shyamsundar Sanskrit Vidyalaya already stood covered by Clause-3.1 of the resolution dated 6th October 1989 of the Government of Odisha. In

terms of the Clause 3.4 of the said resolution, the UGC pay scales were admissible as on 1st January, 1986.

11. The learned Single Judge has come to the conclusion, on the strength of the above resolutions and notifications, that the teachers of the institution in question ought to have been granted UGC pay scale since it stood covered by Clause-3.1 of the resolution dated 6th October, 1989.

12. Accordingly, the Court finds that there is no legal infirmity in the impugned judgment of the learned Single Judge granting the aforementioned relief of extending the benefit of the UGC pay scale to the Respondent from the date of her initial appointment as such i.e., 1st June 1987, and the arrears having to be paid with simple interest at 6% per annum.

13. There is no merit in the present writ appeal and it is dismissed as such. The interim order passed earlier stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. K. Guin