

2404

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10067-1994 (O&M)

Date of Decision:08.08.2023

MOHD. BASHIR AND OTHERS

.....Petitioners

V/s.

THE PUNJAB WAKF BOARD AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Dheeraj Jain, Advocate,
for the petitioners.

Mr. Gulab Nabi Malik, Advocate, for the respondents No.1 to 3.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioners by way of this Writ Petition claim parity of pay scale to their counterparts, who are working in various schools under the administration of the Punjab Wakf Board.

2. While initially the petitioners in the petition were claiming pay scale as has been paid to the counterparts in the Government service as well as to the other Institutes of the Punjab Wakf Board, learned counsel for the petitioners submits that he limits his prayer to parity of pay scale to the teachers who are working in the various Islamia Schools under the Punjab Wakf Board. He submits that there are several Islamia Schools including Islamia Senior Secondary Schools where the Wakf Board has laid down a particular pay scale for teachers in terms of their educational qualifications vide order dt.17.10.1990. The pay scale was brought into force w.e.f. 01.04.1990. The said pay scales are applicable to all the teachers who are unapproved and not working against the aided post.

3. Learned counsel for the petitioners has invited the attention of the list of teachers of Islamia High School, Malerkotla who have been granted new and revised pay scale which includes Post Graduate teachers, Trained teachers, Graduate teachers and Matriculate teachers. Those who are trained teachers have been placed in the pay scale of ₹1200-₹2100, Post Graduate and Graduate teachers have been placed in the pay scale of ₹950-₹1800 and Matriculate teachers have been placed in the pay scale of ₹750-₹1350. While few of the petitioners, who are working in the same school, have not been granted the said benefit, however, others who have been transferred to different schools, who are similarly situated and under the Punjab Wakf Board, have not been granted the said benefit.

4. *Per contra*, learned counsel for respondent-Board submits that the concerned schools, where there is no proper Administrator, have been taken over by the Wakf Board. He further submits that the petitioners did not possess the requisite qualifications for being granted a regular pay scale.

5. I have considered the submissions of learned counsel for the parties and find that the petitioners are similarly situated to those whose names are reflected in the list of teachers of Islamia High School who have been granted new and revised pay scale w.e.f. 01.01.1986 and implemented w.e.f. 01.04.1990 by the Punjab Wakf Board vide its order dt.17.10.1990.

6. It is a settled principle of law that the persons who are similarly situated would be entitled to similar treatment. They would also be entitled for similar pay if they are performing similar duties.

7. Taking note of the above, it is directed that the Wakf Board who is admittedly governing and controlling the teachers imparting teachings in various Islamia school including Islamia Senior Secondary School, Malerkotla are paid the same pay scale without any discrimination. The educational qualification can be a relevant factor for laying down the pay scale as has been done by the respondent-Board. In view thereof the pay scale as per educational qualifications of the present petitioners would be released.

8. The Writ Petition stands allowed accordingly.

9. It is directed that the exercise for fixation of salary of the petitioners shall be conducted by the respondent-Board after examining the educational qualifications record and service record of the petitioners individually within a period of 4 months henceforth and the arrears shall be released. Those who have already left the job as of now, from the petitioners, shall be paid their amount up to the date that they have worked.

10. Considering the issue that remains pending before this Court and adjudication having been done now, no case for grant of interest is made out.

11. Pending application(s), if any, stand disposed of accordingly.

August 8, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No