

WPA 1502 of 2012
Mr. Prabir Mukhopadhyay & Ors.
Vs.
The University of Calcutta & Ors.

Mr. Krishnendu Bera,
Ms. Debolina Chakraborty

...for the Petitioners

Mr. Swpan Kr. Datta,
Mr. Indranil Roy,
Mr. Tapas Kr. Mandal

...for the State

Mr. Nilotpal Chatterjee,
Mr. Satyaki Banerjee

...for the Calcutta University

All the petitioners are working as Assistant Librarian Grade-II at Calcutta University. They have filed this writ petition praying, inter alia, for the following reliefs:

“A writ in the nature of Mandamus commanding the respondents, their agents and servants to place the Assistant Librarian Grade-II in the pre-revised scale of pay of Rs. 5500-11325/- respectively under previous ROPA and to grant consequential benefits thereto and further commanding the respondents, their agents and servants to increase the pay bank of the petitioners and to take steps for remove the stagnation in the incremental benefits of the petitioners upon taking note of the 5th Pay Committee’s report in respect of the designation as of the petitioners herein without any hindrance from any quarter”.

Mr. Bera, learned advocate appearing for the petitioners submit that the essential qualification for appointment to the post of Assistant Librarian under Calcutta University was a Bachelor’s Degree with Honours in any subject along with a Degree in Bachelor of Library &

Information Science.

Mr. Bera submits that Bachelor's Degree in Library & Information Science is a Post Graduate Degree. For the posts like Superintendent, Assistant Superintendent (Press), Sub Assistant Engineer (Civil), Assistant Engineer (Electrical) at Calcutta University, the required education qualification is lesser than that of Assistant Librarian, even though the said post holders enjoy higher-scale of pay compared to an Assistant Librarian at the university.

He further submits that a Librarian at the High Court at Calcutta having similar qualification enjoys higher-scale of pay.

Therefore, the petitioner's pay-scale should be appropriately revised. In support of his submission, Mr. Bera has relied upon a judgment, reported at **2023 SCC OnLine SC 28 (Union of India Vs. Rajib Khan)**.

The petitioner could not have claimed parity in pay with the Superintendent, Assistant Superintendent (Press), Sub Assistant Engineer (Civil), Assistant Engineer (Electrical), since their nature of duty is entirely different. Similarly, the petitioners cannot compare themselves with the Librarians of Calcutta High Court. Law is also settled that the pay-scale may differ when the employer is different. [See: Official Liquidator v. Dayanand (2008) 10 SCC 1, Para 93-100]

Affidavit filed by the State discloses the factual

backdrop in which the pay-scale of the Librarian at the university was fixed. The affidavits read, inter alia, as follows:-

“In this connection it is pertinent to reiterate that the State Government set up 5th Pay Committee for recommending different pay scales not only for Government Employee but also certain other categories of employees of all State Aided Universities and according to such terms of reference the 5th Pay Committee recommended pay scale of Rs. 4800/- 10925 (scale no 8) for the Assistant Librarian Grade II notionally from 01.01.2006. The State Government accepted the said recommendation of the 5th Pay Committee and allowed the scale of pay of Rs. 4800/- 10925 to the Assistant Librarian Grade II vide Government order no 9176 F (P) dated 15.09.2010.

“That representations were made before the 5th Pay Committee on behalf of the Librarians wherein they claimed the higher scale of pay of Rs 5000-11275/- in view of their nature of duties and responsibilities and higher educational and professional qualification but the 5th Pay Committee in their wisdom recommended the pay scale of Rs.4800/- 10925/- keeping in view the inter-scale parity i.e parity with the pay scales of other categories of employees of the state aided Universities set up as well as inter-sector parity with pay scales in the State Government establishment and Institution where expenditure towards salaries of the employees are borne by the State Government and the logical course of all these factors.

The respondent no 5 craves leave of this Hon'ble Court to permit the answering respondent to refer the report of the 5th Pay Committee which has been annexed by the petitioners to their supplementary Affidavit (page no. 9) as Annexure 'B'.

The answering respondent cannot, therefore, challenge the wisdom of the 5th Pay Committee in the matter of recommendation of a pay scale for

Assistant Librarian Grade II and cannot go beyond the Government order dated 15.02.2010.”

The petitioners have filed to make out a case justifying interference with the decision of the State in fixing the pay-scale of the Librarians at Calcutta University.

Accordingly, **WPA 1502 of 2012** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)