

Uttarakhand Mahila Kalyan Parishad and others

Vs

State of U.P.

Writ Petn. No.12561 of 1985

(CJI Ranganath Misra, M. H. Kania JJ)

06.08.1991

ORDER

1. Grievance has been made in this petition under Article 32 of the Constitution 1 that the lady teachers and other female employees in the educational line doing administrative business in employment of the Staff, of Uttar Pradesh are being discriminated against inasmuch as while they are called upon to do the same work as their counterparts (male teachers and officials), they are paid a lower scale of salary and avenues of promotion are not open to them in the same proportion as available to the male teachers and employees. Notice on this petition had been given on 24-1-1986 which is more than four and a half years back. The State of Uttar Pradesh though given sufficient opportunity to place its case through an appropriate affidavit has chosen not to do so. A counter affidavit was filed in June, 1986 which was not considered adequate when the matter was taken up for hearing. On April 29, 1991, we had made following order :

"Mrs. Dixit has undertaken to file a detailed further affidavit by 15th July, 1991 specifying the position relating to meet the allegations in the Writ Petition as on 30th June, 1991."

2. When this matter is called today, which is more than three weeks after the outer date indicated for filing of the counter-affidavit, a prayer for adjourning the matter for six more weeks is made to comply with what was directed in the previous order. Mrs. Dixit says that an application has been filed for this extension.

3. We have considered all aspects and see no justification to adjourn the matter any longer. The Court's orders are intended to be complied with from time to time by parties before it and when the matter is listed it is intended to be taken up for disposal. We are not prepared to accept the stand of Mrs. Dixit that as there has been an intervening election to the State legislature and change of Government, governmental business has been disrupted. The prayer for adjournment is rejected.

4. We have read the Writ Petition. We have heard the submissions made on either side and are of the view that under the constitutional, arrangement there is no occasion for a differential treatment between male teachers and employees and lady teachers and employees in the education department doing administrative business, when they are doing the same job. Nor do we find any justification for a preferential treatment in the matter of affording promotional avenues for the male teachers. While we direct by mandamus that the State of Uttar Pradesh shall equate the pay scales with effect from 1-10-1991, so far as the creation of promotional avenues is concerned, we direct the State of Uttar Pradesh to have this examined by an appropriate Committee within two months and give additional promotional avenues to the lady teachers and other employees in the educational line

doing administrative business so that their grievance as raised in this petition is properly met. Liberty to the petitioners to apply to this Court in the event of any grievance in regard to the second direction.

5. Writ petition is disposed of accordingly.

6. No costs. Order accordingly.

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