

SUPREME COURT OF INDIA

All Manipur Government Collegesteachers Association

Vs.

All Manipur College Teachersassociation

(K. Ramaswamy JJ.)

19.04.1996

ORDER

Leave granted.

These appeals by special leave arise from the order of the Division Bench of the High Court of Gauhati made on August 2, 1994 in W.A. Nos.30 and 31 of 1993. This Court on February 9, 1996 noticed the contention raised by Shri Rao that the Principals in the private colleges taken over by the Government, were not required to put in minimum length of service as lecturer, while the lecturer in Government college, to become Principal is required to put in three years' service, as initial period, to become lecturer and 10 years' service thereafter as a lecturer. The Government in G.O. No.9 dated 11.4.1994, while exercising the power under Article 309 of the Constitution issued the orders w.e.f. the date of the application indicating that the past service rendered by the employees of the Government colleges in Government aided/private educational institutions which were subsequently taken over by the State Government on or before December 20, 1979 shall be counted as experience of service required for promotion or direct recruitment, as the case may be, provided that there were no interruption in between. based thereon it was contended that since the Principal who worked in the private colleges were appointed directly or promoted as principals without insisting upon the minimum 10 years' service they would always steal a march over Government lecturers to become Principal and also as Directors in the higher leader of services and that the discrimination would always loom large as against Government lecturers/Principals since the Principals of the private colleges would remain to be seniors to the principals in the Government colleges. Since the learned counsel appearing for the State did not have instructions, she had sought for and was granted time.

The Government have now explained in their orders that they are insisting upon the private lecturers 10 years' service as Principal for promotion as Director and that, therefore, the seniority is being counted after computing minimum 10 years' service as lecturer/principal, as the case may be, to the post of Directors. If, as a consequence of such computation, they become seniors, the inevitable would follow and no discrimination can be imputed on that account. It is also made clear by the Government that they are maintaining two separate seniority of the Government teachers and of the teachers/Principals worked in the taken-over colleges, as another list. It is made clear that the above order would be applicable only in respect of the teachers of the taken-over colleges as indicated in the rule itself.

The appeals are disposed of accordingly. No costs.