

State of Orissa and Another

Vs

Damodar Nayak and Another

Civil Appeal No. 2666 of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

31.03.1997

ORDER

1. The report of the Registry indicates that the service is complete. However, the respondents are not appearing either in person or through counsel.

2. Leave granted.

3. The question limited to the notice is whether the respondent would be entitled to payment of salary under the Grants-in-Aid Scheme from the date of initial appointment till he improved his qualification or from the date of his acquiring the qualification ? The admitted position is that Respondent 1 came to be appointed as a lecturer in 1978. The Government issued clarification on 5-1-1987 that unqualified lecturers having minimum second class, i.e., 48% or above and below 54% of marks in PG. examination and appointed on or after 1-8-1977 in recognised non-government colleges would be eligible to receive grants-in-aid. The Resolution dated 13-9-1983 issued by the Government prescribes the qualifications for recruitment of lecturers of affiliated colleges which indicates that "candidate not holding an M. Phil. degree should possess a high second class Master's degree, i.e., 54% marks and a second class Honours/Pass in the B.A./B.Com./B.Sc. examination". Respondent 1 secured 53.9% marks, which is almost equivalent to 54% marks, on 10-7-1987. Therefore, the question arises whether the second respondent is entitled to receive grants-in-aid for payment of salary to the first respondent from the date of his acquiring qualification or from the date of initial appointment ? Admittedly, since the first respondent on the date of his appointment was not possessing the requisite qualification and acquired the same only on 10-7-1987, he will be eligible to the benefit of the grants-in-aid w.e.f. 1-8-1987 and onwards.

4. The appeal is accordingly allowed and the order of the High Court passed on 23-4-1996 in OJC No. 3548 of 1996, to that extent stands modified. No costs.