

Gopal Chawala & Others

v.

State of Madhya Pradesh & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN HON'BLE MR. JUSTICE
A.K. SIKRI

Special Leave Petition (Civil) No. 18579 Of 2012 | 30-10-2013

K.S. Radhakrishnan, J.

1. The State of Madhya Pradesh launched an Education Guarantee Scheme (EGS) so as to provide primary education to each and every child in the State and give effect to the national education policy, especially in the rural areas of the State. In order to give effect to that scheme, the State Government, with the concerned local authorities opened various education centers to provide education to the children of the age group from 6 to 14 years. The scheme also provided for appointment of Shiksha Karmi/Guruji to provide basic education to the children at various centers on payment of honorarium. Educational qualification for the above- mentioned post was higher secondary and thereafter it was enhanced to BTI/DED, with an honorarium of Rs.2,500/- per month.

2. The petitioners were appointed as Shiksha Karmi/Guruji and were posted at various centers. Training was given to them for two years and were issued certificate of diploma in education. The Chief Education Officer, Janpad Panchayat passed an order on 21.02.2011 granting certain benefits to the petitioners which are available to Adhyapak cadre. However, the said order was withdrawn subsequently by an order dated 12.08.2011. Challenging the order of cancellation, several writ petitions were preferred before the High Court of Madhya Pradesh at Gwalior Bench and were heard by a learned Single Judge. The learned Single Judge found no infirmity in the order and dismissed the writ petitions. However, a direction was given to the authorities to examine whether the honorarium paid to the writ petitioners could be revised in view of the principles flowing from Articles 23 and 43 of the Constitution of India. A writ appeal was preferred against the said judgment which was also dismissed. Against that judgment this special leave petition has been filed.

3. Shri S.K. Sharma, learned counsel appearing for the petitioners, submitted that the Chief Executive Officer has no powers to withdraw the earlier order dated 21.02.2011 granting the pay scale and other benefits available to the post of Adhyapak to the Shiksha Karmies working at various centers under the EGS. Learned counsel also pointed out that the principle of equal pay for equal work has been given a complete go-bye by the impugned order which is in clear violation of the equality clause guaranteed under Article 14 of the Constitution of India. Learned counsel placed reliance on the Judgments of this Court reported in *BhagwanDass and others v. State of Haryana and others* (1987) 4 SCC 634 and *M.P. Rural Agriculture Extension Officers Association v. State of M.P. and another* (2004) 4 SCC 646 and submitted that the petitioners are entitled for equal pay for equal work or even the minimum scale of pay, since the honorarium given to the petitioners is inadequate in the present scenario.

4. We notice that the petitioners were appointed on the basis of an Education Scheme after coming into force of the PanchayatRaj Evam Gram Swaraj Adhiniyam, 1993, by which certain posts were created as Shiksha Karmies, Samvidakarmi etc. Petitioners submit that they are also performing the work of Assistant Teachers/Shiksha Karmies/Samvidakarmies, consequently, at least, minimum pay scale attached to those posts be given to them. Petitioners, admittedly, were not appointed pursuant to any statutory rules but they were appointed pursuant to an education programme. Consequently, their appointment and terms and conditions were governed by that scheme and not by the statutory rules. There is nothing to show that the petitioners have undergone any process of selection as such. Therefore, the claim that they should be equated with the teachers appointed following the statutory rules, cannot be accepted. The counsel for the petitioners also could not establish that the method of appointment, nature of work, quantum of work, quality of work, nature of responsibilities are identical to those teachers who are appointed following the statutory rules, referred to earlier.

5. Learned Single Judge and the Division Bench, on facts have found so and we find no illegality in those findings. The learned Single Judge, noticing that the amount of honorarium is shockingly inadequate in the present scenario, gave a direction to the State Government to examine whether the said amount could be enhanced. In our view, that is the only relief that can be granted to the

petitioners which the learned Single Judge has granted. We, therefore, find no reason to entertain this special leave petition and the same is dismissed as above.