

PETITIONER:
STATE OF ORISSA & ANR.

Vs.

RESPONDENT:
DAMODAR NAYAK & ANR.

DATE OF JUDGMENT: 31/03/1997

BENCH:
K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

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

The question limited to the notice is whether the respondent would be entitled to payment of salary under the Grant-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 No.1 came to be appointed as a lecturer in 1978. The Government issued clarification on January 5,1987 that unqualified lectures having minimum second class, i.e. 48% or above and below 54% of marks in P.G. examination and appointed on or after 1.8.1977 in recognised non-Government Collates would be eligible to receive grant-in-aid. The Resolution dated September 13,1983 issued by the Government prescribes the qualifications for recruitment on 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 No.1 secured 53.9% marks, which is almost equivalent of 54% marks on July 10, 1987. Therefore, the question arises, whether the second respondent is entitled to receive grant-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 possssing the requisite qualification and acquired the same only on July 10, 1987, he will be eligible to the benefit of the grant-in-aid w.e.f. August 1,1987 and onwards .

The appeal is accordingly allowed and the order of the High Court Passed on April 23,1996 in OJC No. 3548/96, to that extent stands modified. No costs.