

CWP-16774-2016

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2025:PHHC:078510



216-2

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-16774-2016

Date of Decision: 03.07.2025

SUMAN LATA

..... Petitioner

Versus

CHANDIGARH ADMINISTRATION & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. K.K. Gupta, Advocate
for the petitioner.

Mr. Tanmoy Gupta, Advocate with
Mr. Arav Gupta, Advocate
for the U.T. Chandigarh.

Mr. J.S. Toor, Advocate with
Mr. Adhiraj Toor, Advocate and
Mr. Vaibhav Sharma, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to pay salary equivalent to her counterpart.

2. The petitioner joined respondent No.4-Vedic Girls High School as Lecturer (Political Science) in January' 2002. She is having qualification of M.A, M. Phil, B.Ed, UGC pass. The respondent's school is affiliated with CBSE Board and Education Department, U.T. Chandigarh. It is getting 95% grant in aid upto secondary level. The school is imparting education upto 10+2 standard.

3. The petitioner is claiming salary at par with her counterparts.



She is claiming that she is highly qualified still getting lump sum salary which is not equivalent to her counterparts. The respondent's school as well as U.T. Chandigarh in its reply has declined claim of the petitioner on the ground that U.T. Administration granted permission to respondent's school to start 10+2 classes subject to the condition that no additional staff will be provided, meaning thereby, no financial aid with respect to additional staff would be granted. The petitioner was appointed without seeking sanction from the U.T. Chandigarh and she was teaching classes upto 10+2, thus, Administration is not liable to grant financial aid as granted with respect to salary of other Teachers.

4. Mr. K.K. Gupta, Advocate for the petitioner submits that petitioner's case is squarely covered by judgment of Supreme Court in ***'Chandigarh Administration Vs. Mrs. Rajni Vali', 2000 (2) SCC 42.*** The Supreme Court has clearly held that U.T. Administration is liable to grant aid even with respect to appointment of those Teachers who are teaching 10+1 and 10+2 classes which are not approved by U.T. Administration with respect to financial assistance.

5. Mr. J.S. Toor, Advocate and Mr. Vaibhav Sharma, Advocate submit that school has not paid salary equivalent to other Teachers because they had not received aid from U.T. Administration.

6. Learned counsel for the respondents on being confronted with aforecited judgment of Supreme Court expressed their inability to controvert applicability of said judgment to the instant case.

7. From the perusal of record, it is evident that petitioner was appointed in 2002 and worked till 31.03.2023. She was not paid salary at par with her counterparts whereas she was paid lump sum. The Supreme



Court in *Mrs. Rajni Vali (supra)* has settled the issue involved. The case of petitioner is squarely covered by aforesaid judgment. The relevant extracts of the judgment are reproduced as below:

" Dev Samaj Girls' Senior Secondary School, Chandigarh is a private educational institution duly recognised and receiving grant-in-aid from the Union Territory of Chandigarh Administration since 1-12-1967. Initially the School was imparting education up to Class 10. In the year 1988, it was decided to start 10+1 and 10+2 classes in the School and upgrade it to senior secondary level. The Director of Public Instructions, Union Territory, Chandigarh granted permission to the management for starting 11th and 12th classes in Humanities and Commerce, with the condition that no grant-in-aid will be provided for any additional staff. The classes were started on the recommendation of the Director of Public Instructions and the institution was granted affiliation by the Central Board of Secondary Education, New Delhi, with effect from 1-5-1998. The corresponding classes in Dev Samaj Degree College, Chandigarh, were closed on the decision of the Chandigarh Administration that education in such classes would be given in schools. Respondents 1 to 12 are Lecturers who are teaching different subjects in 11th and 12th classes of the School. When their request for grant of salary on a par with their counterparts working in privately managed recognised aided schools in Chandigarh was not heeded to by the Chandigarh Administration, they filed a writ petition in the High Court of Punjab and Haryana seeking inter alia a writ of mandamus directing the respondents i.e. the Chandigarh Administration, its Finance Secretary, its Director of Public Instructions (Schools) and the



Managing Committee of the School, to pay the same salary and dearness allowance to the petitioners which is being paid to their counterparts working in private recognised aided schools in Chandigarh, especially when the other members of the staff/teachers teaching up to 10th class are receiving the scales sanctioned for the posts against which they are working. The respondents also prayed that the expenses so incurred should be apportioned by the Chandigarh Administration and the Management of the institution in the ratio of 95% and 5% as is being done between the State Government and management of the institutions/aided schools.

2. *The claim of the respondents was refuted by the appellants mainly on the ground that permission to open the 11th and 12th classes in the School was subject to the condition that no grant-in-aid will be provided for additional staff and therefore the claim of the respondents for parity of salary with their counterparts in other aided institutions cannot be accepted.*

3. *The High Court, on consideration of the case of the parties and the contentions raised on their behalf allowed the writ petition and directed the respondents who are appellants herein to pay the same salary to the petitioner-Respondents 1 to 13 herein, which is being paid to their counterparts in the privately managed government-aided schools in Chandigarh and the expenses so incurred be apportioned by the Chandigarh Administration and the Management in the ratio of 95% and 5% respectively. The judgment of the High Court is under challenge in this appeal filed by the Chandigarh Administration through the Secretary, Education, its Finance Secretary and the Director of Public Instructions (Schools).*



7. In the case of **State of Maharashtra v. Manubhai Pragaji Vashi [(1995) 5 SCC 730]** this Court held that the decision of the Government of Maharashtra not to extend the grant-in-aid scheme to private law colleges was discriminatory and this Court directed the State of Maharashtra to extend the grant-in-aid scheme to all recognised private law colleges on the same criteria as such grants are given to other faculties, namely, Arts, Science, Commerce, Engineering and Medicine from the academic year 1995.

8. In the case of **State of Haryana v. Ram Chander [(1997) 5 SCC 253]** this Court considered case the of language teachers in the Haryana Government Vocational Education Institute, who taught Hindi and English to 11th and 12th standard students in the Institute, that they should be given parity in pay scale with the teachers who taught 11th and 12th standard students in higher secondary schools who were designated Lecturers. This Court upheld the judgment of the High Court granting parity of scale of pay to the aggrieved teachers on the finding, inter alia, that whether the teachers teaching Hindi and English languages to 11th and 12th standard students in a technical institution or in a higher secondary school makes no difference in the nature of duties and functions performed by these two sets of papers (sic teachers) when they teach the same syllabus of Hindi and English to 11th and 12th standard students who appear at the same type of examination and wrote the same papers as were written by 11th and 12th standard students who are taught Hindi and English in higher secondary schools.



9. *Tested on the touchstone of the principles laid down in the aforementioned decisions, the position is manifest that there is no justification for denying the claim of the respondents for parity of pay scale and to accept the contention of the appellants will amount to confirming the discriminatory treatment against the respondents. Therefore, the High Court rightly rejected the case of the appellants. The directions issued in the impugned judgment to pay Respondents 1 to 12 the same salary as is being paid to their counterparts in the privately managed Government-aided schools in Chandigarh in the circumstances is unassailable.*

10. *Coming to the contention of the appellants that the Chandigarh Administration will find it difficult to bear the additional financial burden if the claim of Respondents 1 to 12 is accepted, we need only say that such a contention raised in different cases of similar nature has been rejected by this Court. The State Administration cannot shirk its responsibility of ensuring proper education in schools and colleges on the plea of lack of resources. It is for the authorities running the Administration to find out the ways and means of securing funds for the purpose. We do not deem it necessary to consider this question in further detail. The contention raised by the appellants in this regard is rejected. It is, however, clarified that the proportion in which the additional burden will be shared by the Chandigarh Administration and the Management of the School will be in accordance with the grant-in-aid scheme applicable to the School from time to time. The judgment of the High Court that the sharing of the financial burden will be in the ratio of 95% to 5% is modified accordingly.*

11. *With the above modification, the appeal is*



dismissed, but in the circumstances of this case, without any order for costs."

8. The case of petitioner is squarely covered by aforecited judgment. Accordingly, the petition is allowed. The respondents are directed to pay differential salary within three months from today. It is made clear that U.T. Administration would pay its share in terms of judgment of Supreme Court in *Mrs. Rajni Vali (supra)*. The arrears shall not carry interest if payment is released within three months from today, failing which the respondent shall be liable to pay interest @ 7.5% per annum.

**(JAGMOHAN BANSAL)
JUDGE**

03.07.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No