

A ALL MANIPUR GOVERNMENT COLLEGES TEACHERS  
ASSOCIATION  
v.  
ALL MANIPUR COLLEGE TEACHERS ASSOCIATION AND ORS.

B APRIL 19, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law :*

C *Promotion to the post of Director from Principals of Taken-over Colleges—Ten years experience insisted upon—But not for the Principals of private colleges—Whether discriminatory—Held, subsequently Government explaining that 10 years experience as Lecturer/Principal, for promotion as Director—That is no discrimination.*

D CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 7713-14 of 1996.

From the Judgment and Order dated 4.5.94 of the Assam High Court in W.A. No. 30 and 31 of 1993.

E P.P. Rao, Mrs. Indra Sawhney, and Deepak Dewan, for the Appellant.

L.K. Paonam and S.K. Bhattacharya for the Respondents.

Ms. S. Janani for State.

F B.B. Sawhney and Rishi Kesh for the Respondents.

The following Order of the Court was delivered :

Leave granted.

G 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  
H lecturer, while the lecturer in Government college, to become principal is

required to out 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 Principals 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 Principals and also as Directors in the higher ladder 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 that account. It is also made clear by the Government that they are maintaining two separate seniority lists, one of the Government teachers and the other the teachers/Principals working 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.

G.N.

Appeals disposed of.