

Ram Sukh And Ors. vs State Of Rajasthan And Ors. on 26 September, 1989

Equivalent citations: AIR1990SC592, [1989(59)FLR685], JT1989(4)SC8, 1990LABLC526, (1990)ILLJ107SC, 1989(2)SCALE801, 1989SUPP(2)SCC189, 1989(2)UJ633(SC), AIR 1990 SUPREME COURT 592, 1990 LAB. I. C. 526, (1989) 4 JT 8 (SC), (1990) 1 LABLJ 107, (1989) 2 LAB LN 978, 1989 (15) ALL LR 853, (1990) IJR 179 (SC), 1989 SCC (SUPP) 2 189, 1991 SCC (L&S) 962

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Bench: A.M. Ahmadi, K. Jagannatha Shetty Shetty

JUDGMENT

K. Jagannatha Shetty, J.

1. In 1983, the petitioners along with a large number of like persons were appointed as primary school teachers in rural schools under the panchayat samities. In the first instance, the appointment was for a fixed term and thereafter it was renewed from time to time. By way of salary, they were paid only a consolidated sum of Rs. 400/- in every month. That was also not paid during the summer vacation to schools. Some of the teachers approached the High Court in a batch of writ petitions claiming and another payment of salary during summer vacation. Those petitions were disposed of by the High Court. [See: Chanda Tamboli v. The Panchayat Samiti Mandal, equal pay for equal work and also continuity in service with (Civil Writ Petition No. 2795 of 1987)]. There the High Court examined every aspect of the matter and gave certain reliefs like salary and dearness allowance but not regularisation, of services. The operative portion of the judgment of the High Court is as under:

In the result, all these writ petitions are allowed and we direct that all the petitioners whose services have been terminated shall be entitled to one month's salary in the minimum pay scale admissible to the cadre with dearness allowance or Additional Dearness Allowance admissible in accordance with law but will not be entitled to grade increment and they will be re-employed in the next academic session to continue till the regular selections take place (of course subject to availability of vacancies). Amongst these class of persons if trained teachers are available then priority shall be given to the trained teachers. These teachers who are already serving shall be paid the minimum of pay scale admissible to the particular cadre concerned with Dearness Allowance or Additional Dearness Allowance admissible according to law. They will continue till regular selections take place. They will not be entitled to

any grade increments. However, they will be entitled to salary for the vacation period as well. The State Government is also directed to get the untrained teachers trained in view of the communication referred to above so that these lowly paid teachers may improve their prospects for the employment in phased programme. No orders as to costs.

2. It may be stated that the petitioners also filed similar writ petitions and they have been disposed of in terms of the above order.

3. Being aggrieved by the decision of the High Court, the petitioners have filed these Special Leave Petitions. The decision 'in Chanda Tamboli case is also challenged in SLP No. 11899/88. The petitioner in W.P. No. 898/88 has not approached the High Court. He has moved this Court under Article 32 of the Constitution stating that it would be futile to approach the High Court in view of the decision in Chanda Tamboli case. He may be right in his approach.

4. The petitioners have since been removed from service on the availability of trained teachers. It was in conformity with the observation of the High Court which ought to be in a case like this.

The contention, however, urged for the petitioners before us is that they should be absorbed in service and they should also be provided with facilities to undergo the prescribed training. We do think that we could accept the contention. We cannot, at any rate, direct the Government to put back the petitioners into service till they are trained. No doubt the High Court in Tamboli case has directed the State Government to get the untrained teachers trained in phased programme to enable them to improve their prospects for employment. But that does not, however, mean that it is obligatory for the Government to continue the untrained teachers till they are properly trained.

6. We are not less sympathetic to the petitioners who are out of job but we cannot forget the welfare of those who are not before the Court. They are the tiny tots who require proper handling by well trained teachers. The court had an occasion to observe about the need for proper training to teachers in the interests of students. In Andhra Kesari Education Society v. Director of School Education to which one of us was a party, this Court made a passing reference:

The teacher alone could bring out the skills and intellectual capabilities of students. He is the 'engine' of the educational system. He is a principal instrument in awakening the child to cultural values. He need to be endowed and energized with needed potential to deliver enlightened service expected of him. His quality should be such as would inspire and motives into action the benefiter.

7. These observations are equally relevant to primary school teachers with whom we are concerned. The primary school teachers are of utmost importance in developing a child's personality in the formative years. It is not just enough to teach the child alphabets and figures, but much more is required to understand child psychology and aptitudes. They need a different approach altogether. Only trained teachers could lead them properly. The untrained teachers can never be proper substitute to trained teachers. We are, therefore, unable to give any relief to the petitioners.

8. We may, however, observe that since petitioners have served in rural areas, it would be proper for the Government to allow them relaxation in age to the extent of service rendered as teachers, for appointment under the State if they possess other requisite qualifications. We accordingly direct the State Government to make an appropriate rule or order to that effect.

9. With this direction, the petitions are disposed of. In the circumstances, we make no order as to costs.