

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL Nos.4275-4277 of 2018
(Arising out of S.L.P. (Civil) Nos. 31165-31167 of 2011)

**Registrar, Orissa University of Agriculture &
Technology & Anr. Appellants**

Versus

Upendra Nath Patra & Anr. Etc. Respondents

J U D G M E N T

L. NAGESWARA RAO, J.

Leave granted

1. Original Jurisdiction Case (OJC) No. 2412 of 1985 filed by Shri Upendra Nath Patra, Respondent No.1 in the Appeal arising out of Special Leave Petition (Civil) No. 31165 of 2011, was allowed by a Division Bench of the High Court of Orissa by a judgment dated 12th November, 1990. The post of Field Supervisor held by him was declared equivalent to the post of Teacher and he was held entitled to all the benefits attached to the post of Teacher with effect from 16th March, 1979. Shri Binod Chandra Mahanti, Respondent No.1 in the Appeal arising out of Special Leave Petition (Civil) No. 31166 of 2011, filed OJC

No.3390 of 1990 seeking fixation of appropriate scale of pay for the post of Field Supervisor by treating him as a Teacher. OJC No.3390 of 1990 was dismissed by another Division Bench of the High Court of Orissa by its judgment dated 25th September, 1992. It was declared that the post of Field Supervisor cannot be considered equivalent to teaching post. Civil Review No.102 of 1993 filed by the Appellant against a judgment in OJC No.2412 of 1985 and Civil Review No.106 of 1992 filed by Shri Binod Chandra Mahanti against the judgment in OJC No.3390 of 1990 were taken up together and were referred to a larger Bench in view of the divergent views in the above-mentioned judgments. By a judgment dated 25th February, 2011 a Full Bench of the Orissa High Court upheld the judgment dated 12th November, 1990 in OJC No.2412 of 1985 and overruled the judgment dated 25th September, 1992 in OJC No.3390 of 1990. This Appeal is filed challenging the correctness of the said Judgment of the full Bench.

2. Shri Upendra Nath Patra was appointed as a Field Supervisor in the Appellant- University on 10th February, 1972. Shri Binod Chandra Mahanti was appointed as a Statistical Assistant on 11th December, 1979. He was later transferred and adjusted against a post of Field Supervisor. OJC No.2412 of 1985, filed by Shri Upendra Nath Patra for a declaration that a post of Field Supervisor should be treated as a post of Teacher was allowed by the High Court by relying upon an earlier judgment of the High Court in ***Rajendra Prasad Mishra & Ors. v. Orissa University of Agriculture and Technology & Anr.***¹ In ***Rajendra Prasad Mishra*** (supra), the High Court held that the post of Senior Research Assistant should be treated as a post of Teacher falling under category II of Statute 19 (1) of *the Statutes of the Orissa University of Agriculture and Technology, 1966* (for short 'the Statutes'). The High Court relied upon a letter dated 26th March, 1981 of the University, made in the absence of a declaration by the Statutes. In the said letter dated 26th March, 1981, the University informed the Government that the posts of Senior Metrological Assistant, Block Agent, Senior Technical

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OJC No.804 of 1981 decided on 20th November, 1984.

Assistant and Field Supervisor should be treated as Teachers provided the incumbents were post-graduates. In its judgment in OJC No.2412 of 1985, the Division Bench also took note of an Office Order dated 16th March, 1979 of the Registrar of the University by which the post of Field Supervisor was declared as Teacher under Section 19(1) of the Statutes framed under the Orissa University of Agriculture and Technology Act, 1965 (for short 'the Act'). The Appellant's contention that the declaration of the post of Field Supervisor as Teacher under Statute 19(1) of the Statutes was only for the limited purpose of inclusion in the electoral roll in connection with the election to the post of Member from the Teachers Constituency to the Board of Management was rejected. The High Court repelled the contention that the Registrar of the University had no jurisdiction to pass an Order of equivalence and it is only the Board of Management which had the competence to do so. The High Court held that the proceeding dated 16th March, 1979 has neither been superseded nor cancelled. The High Court concluded that a Field Supervisor cannot be declared as equivalent to a Teacher for a limited purpose.

3. A different view was taken by another Division Bench of the High Court in OJC No.3390 of 1990 filed by Shri Binod Chandra Mahanti. It was held that the Academic Council did not approve the extension of the UGC benefits to the Field Supervisors on the ground that they did not possess requisite qualification of M.Sc. (Agriculture) and that the said post was not a Teaching post. The said Resolution of the Academic Council was accepted by the Board of Management. The Division Bench observed that there is no manner of doubt that the Field Supervisor cannot be a Teaching post. The proceeding dated 26th March, 1979 of Registrar of the University by which the Field Supervisors were treated as Teachers for the purpose of Elections was referred to by the Division Bench to hold that the Registrar of the University had no jurisdiction or authority to issue the said Order.

4. While resolving the dispute in view of the divergence of opinion of two Division Benches, the full Bench examined the provisions of the Orissa University of Agriculture and Technology Act, 1965. It is relevant to reproduce Section 2 (10) of the Act and Statute 19 of the Act which are as follows:

“Section 2(10):- ‘Teacher’ means a person appointed or recognized by the University for the purpose of imparting instruction or conducting and guiding research or extension educational programmes and includes a person who may be declared by the Statute to be a teacher.”

“ Classification of Teachers ”

Statute 19(1):- The teachers of the University shall be classified into three categories as follows;

Category-I : Persons appointed for the purpose of imparting education.

Category-II: Persons appointed for the purpose of conducting or guiding research or extension educational programmes, and

Category-III: Persons declared by the Statutes as teachers.

(2) The posts held by the teachers belonging to Category-1 shall be designated as follows:-

(a) Professor

(b) Reader

(c) Lecturer Grade-I

(d) Lecturer Grade-II

(e) any other post which the University may from time to time include by notification.

(3) The posts held by the teacher belonging to Category-II and Category-III may be declared by the University with the prior approval of the Board as

equivalent to the posts of Professor, Reader, Lecturer Grade-I or Lecturer Grade-II as the case may be. ”

5. According to the full Bench, there was no need for declaration of officers who have been doing field work, as Teachers. The full Bench held that Statute 19(3) of the Statutes is not applicable to such persons falling in Category II. Conducting or guiding research is part of education according to the full Bench and Field Supervisors who were imparting education, need not be declared as Teachers. The judgment in **Upendra Nath Patra's** case (supra) was upheld and the subsequent judgment by another Division Bench in **Binod Chandra Mahanti** was overruled by the full Bench.

6. We are unable to persuade ourselves to accept the interpretation of Statute 19 of the Statutes of the full Bench of the High Court. The Teachers of the University are classified into three categories; (i) those appointed for imparting education, (ii) those appointed for the purpose of conducting or guiding the research or extension educational programmes, and (iii) persons declared by the Statutes as Teachers. Statute 19(3) provides that the posts

held by the Teachers belonging to Category II or III may be declared by the University with the prior approval of the Board as equivalent to the teaching posts. A plain reading of Statute 19 would show that Field Supervisors who fall in Category II claiming to be Teachers have to be declared by the University as Teachers. The finding recorded by the full Bench that Statute 19(3) does not apply to persons falling in Category II is not correct. Interpreting Category III of Statute 19(1) to be the only category where there is requirement of declaration by the Statutes as Teachers, the full Bench lost sight of the scope of Statute 19(3) wherein a provision pertaining to a declaration in respect of persons falling in Category II and Category III as Teachers is clearly mentioned. We are of the opinion that a post of Field Supervisor can be treated as a Teacher only after a declaration by the University with the prior approval of the Board and not otherwise.

7. It is well settled that the relief to be granted in a case is not a natural consequence of the ratio of the judgment (**Sanjay Singh & Anr. v. U.P. Public Service Commission, Allahabad & Anr.**²). It can be noticed from

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(2007) 3 SCC 720- para 10

the narration above, the proceeding dated 16th March, 1979 of Registrar of the University declaring the post of Field Supervisor as Teacher for the purpose of Elections has neither been withdrawn nor rescinded till date. The recommendation made by the Registrar of the University on 26th March, 1981 to the Government to treat the Field Supervisor as Teachers still holds good. We are in agreement with the judgment in **Upendra Nath Patra's** case (supra) on this point. It is not open to the University to contend that no reliance can be placed by the Respondents on the proceeding dated 16th March, 1979 of Registrar of the University as it was issued by the Registrar who was not competent to issue such orders. We also accept the logic of the Division Bench of the High Court in **Upendra Nath Partra's** case (supra) that the declaration of a Teacher for one purpose will hold good for the others too.

8. We are informed that the Respondents have retired from service and have been fighting for their rights for nearly 30 years. We do not see any reason to prevent the Respondents from getting the benefits of their being treated as Teachers. We make it clear that this would not deter the University from withdrawing the proceeding dated

16th March, 1979 of Registrar of the University by which Field Supervisors were declared as Teachers. Such withdrawal, if resorted to, will not affect the entitlement of the Respondents in this Appeal to get all consequential benefits of their being treated as Teachers.

9. In the light of the aforementioned findings, the Appeals stands disposed of.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

**New Delhi,
April 23, 2018**