

(2011) 07 JH CK 0164
In the Jharkhand High Court
Case No : Writ Petition (S) No. 879 of 2010

Anil Kumar

APPELLANT

Vs

Versus State of Jharkhand and Others

RESPONDENT

Date of Decision : 13-07-2011

Acts Referred:

Citation : (2011) 4 JCR 163

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Final Decision : Allowed

Judgement

N.N. Tiwari, J.—By the Court.--Heard learned counsel for the petitioner and learned J.C. to G.P.II.

2. It has been admitted at the bar that by order dated 16.7.2008 passed in W.P. (S) No. 1332 of 2003, which is confirmed up to the Apex Court, similarly situated persons have been reinstated in the original posts. However, learned counsel for the respondents submitted that though the petitioner is also similarly situated, the re-instatement of other employees were made after quashing the termination order by this Court.

3. Learned counsel for the petitioner submitted that the petitioner's service was terminated by memo No. 325 dated 23.7.1992 issued by respondent No. 6 while he was working as Clerk in K.C. Girls High School, Jharia on the ground that his appointment was not sanctioned by the competent authority. Similarly by issuing memo Nos. 327 and 328 on the same day the other petitioners, who were also working as Clerk in different schools, were terminated from their services on the same ground. Other similarly situated persons had challenged their order of termination in this Court in W.P.(S) No. 1332 of 2003 and in W.P.(S) No. 1621 of 2003. The termination orders were quashed by this Court. The petitioners of the said writ petitions have been re-instated in service. It has been further stated that services of the petitioners of the said writ petitions were also terminated on

the same ground. It has been held in decisions of said cases that no sanction of the District Education Officer was required for appointment of Clerk in the High School.

4. The said contentions of the petitioner has not been disputed by the respondents. The respondents have admitted that the petitioner's case is squarely covered by the decisions of this Court in

Umesh Kumar Singh v. State of Bihar & Ore., (W.P.(S) No. 1332/2003) and Sharat Chandra Mandal v. State of Jharkhand & Ore., W.P.(S) No. 1621/2003. 5. In view of the said admitted position, the impugned order bearing memo No. 325 dated 23.7.1992, contained in Annexure-2 to the writ petition, is quashed. The respondents are directed to re-instate the petitioner in service forthwith within six weeks from the date of receipt/production of a copy of this order.

6. This writ petition stands allowed.