
(2022) 03 JH CK 0042

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3440 Of 2019, I.A. No. 1165 Of 2022

Anil Kumar Mahto And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 11-03-2022

Acts Referred:

Citation : (2022) 03 JH CK 0042

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Rahul Kumar, Rakesh Shahi

Final Decision : Disposed Of/Allowed

Judgement

Anubha Rawat Choudhary, J

I.A. No. 1165 of 2022

1. The learned counsel for the petitioners submits that the present interlocutory application has been filed for correction in the party position. He submits that the Respondent nos. 4 to 7 are not the appropriate authorities for the purposes of this case and in fact the concerned authorities should be from the district of Bokaro and not from the district of Ranchi. He submits that present respondent nos. 4 to 7 be deleted and following persons be inserted as Respondent no. 4 and 5 respectively: -

Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Bokaro, P.O. & P.S.- Bokaro, District Bokaro.

District Education Officer, Bokaro, P.O. & P.S. Bokaro, District- Bokaro.

2. The learned counsel for the respondents has no serious objection to the prayer made.

3. Accordingly, I.A. No. 1165 of 2022 is hereby allowed.

4. The office is directed to carry out necessary correction in the party position by deleting Respondent nos. 4 to 7 and inserting aforesaid two authorities from Bokaro as Respondent nos. 4 and 5 respectively, in red ink.

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5. With the consent of the parties, the matter is taken up for consideration on merits.

6. This writ petition has been filed for the following reliefs:

"For the issuance of appropriate writ(s)/order(s)/direction(s) directing the respondents to place the Petitioners at appropriate place in the gradation list for promotion to Grade-IV as per the Merit List published by Bihar Public Service Commission through BPSC Primary Teacher's Examination, 1991 and to consequently grant them promotion in Grade-IV as per their seniority and entitlement along with consequential arrears and salary of the promoted post."

7. The learned counsel for the petitioners submits that the only grievance of the petitioners is that gradation list for promotion to Grade-IV as per the merit list published by BPSC through BPSC Primary Teachers Examination, 1991 is to be prepared on the basis of the merit list and not on the basis of date of joining, but this aspect of the matter has been overlooked by the respondents while preparing the gradation list as contained in Annexure- 3. The learned counsel has also referred to Annexure- 2 to the writ petition which is memo no. 4568 dated 05.07.2002 and submits that as per this letter also, gradation list is to be prepared in the aforesaid manner.

8. The learned counsel for the petitioners further submits that the petitioners have made repeated representation before the District Education Officer, Bokaro and District Superintendent of Education, Bokaro for redressal of their grievances, but the authority competent for taking a decision in the matter would be newly inserted Respondent no. 4 being the head of the District Education Establishment Committee.

9. During the course of hearing, the learned counsel for the petitioners fairly submitted that the persons whose gradation list is likely to be affected are also required to be heard and they have not been made party in the present case.

10. At this, the learned counsel for the respondents submits that the matter may be remitted to the respondent no. 4 and the petitioner may be directed to file a representation before respondent no. 4 who will look into the grievance of the petitioners and also give an opportunity of hearing to the persons who may be affected by any change in the gradation list or representative of such persons, and may take decision in accordance with law.

11. After hearing the learned counsel for the parties and considering the aforesaid submissions, it appears from the writ petition that the petitioners have raised grievance before District Superintendent of Education, Bokaro and District

Education Officer, Bokaro, but no decision has been taken so far. Accordingly, the present writ petition is disposed of with a liberty to the petitioners to file a detailed representation before the newly added Respondent no. 4 along with a copy of this writ petition and a copy of this order within a period of two months from today. Upon filing of such representation, the Respondent no. 4 is directed to pass a reasoned order after giving an opportunity of hearing to one representative of the petitioners and if the gradation list is required to be altered, then an opportunity of hearing be also given to the parties so affected or representative of the parties so affected. The reasoned order should be passed within a period of six months from the date of receipt of a copy of this order along with a representation and the same be communicated through speed post in the address to be given by the petitioners in the representation.

12. Pending interlocutory application, if any, is closed.