
(2008) 10 JH CK 0014
In the Jharkhand High Court

Bachneshwar Jha

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-10-2008

Acts Referred:

Citation : (2009) 1 JCR 217

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—The petitioner was originally employed as clerk Tenughat Dam Division under Water Resources Department but later on the petitioner was asked to teach the students of River Valley Project High School, Tenughat as the petitioner was having post graduate degree in Sanskrit and in that way the petitioner has been teaching Sanskrit to the students of the said school since 1983. Since the petitioner was doing the teaching job, he made representation at several occasions to the authorities for redesignating him as Assistant Teacher and also to pay regular salary in the scale of Assistant Teacher but that prayer was never acceded to, as a result of which, the petitioner is not getting salary of the Assistant Teacher though he has been doing teaching job since 1983 and therefore, the petitioner, finding no way out has filed this writ application for a direction to the authorities to take decision in the matter of redesignating him as Assistant Teacher and to pay salary in the scale of Assistant Teacher.

2. Further case of the petitioner is that the Managing Committee in its meeting held on 19.1.2001 has taken a resolution for recommending the matter before the competent authority for designating the petitioner as Assistant Teacher and also for payment of salary in the scale of Assistant Teacher but no decision was taken in this regard.

3. Counter affidavit has been filed on behalf of the respondents wherein statement made with respect to appointment of the petitioner initially as a clerk and then discharging the job of the teacher in the River Valley School has been admitted. However, it has been stated that decision for redesignating him could

not be taken as the petitioner has been working in the work charge establishment and there has been no rule/circular under which, person holding the post of work charge can be appointed on the regular post and as such, petitioned Is not entitled for the same.

4. As against that, learned Counsel appearing for the petitioner submits that stand taken by the respondents is wholly incorrect as at least three persons, namely, Ladu Kewat. Haren Chandra Day and Tushar Kanti Day who were working in work charge establishment have been appointed as Assistant Teacher in regular cadre and are getting salary in the scale of Assistant Teacher.

5. Having heard learned Counsel appearing for the parties it does appear that there has been no dispute that the petitioner has been working as a teacher in River Valley Project High School, Tenughat since 1983 and has been discharging his duties satisfactorily and that some of the persons similarly situated doing the same job of teaching are getting salary in regular scale and also getting officiating allowance, whereas the petitioner is being not paid salary under that scale though he has been discharging the same duty.

6. Under this situation, the petitioner is directed to make a fresh representation before the Secretary, Water Resources Department, Ranchi, respondent No. 2 along with a copy of this order within four weeks and the respondent No. 2 would be taking decision after giving due consideration of the fact that some of the similarly situated persons have been given regular posts of Assistant teacher, on receipt of the representation along with a copy of this order within six weeks.

7. With the aforesaid direction, this writ application is disposed of.