

(2002) 11 JH CK 0009

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3785 of 2001

Bro. Cyril K. Chettiath and Others

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 27-11-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 1 JCR 515

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : A.K. Sahani, for the Appellant; Shamim Akhtar, SC II and A.K. Mehta, J.C. to SC III, for the Respondent

Judgement

Tapen Sen, J.—Heard Mr. A.K. Sahani, learned counsel for the petitioner and Mr. Shamim Akhtar, learned SC-II.

2. The grievance of the writ petitioner in the instant case is that notwithstanding the earlier judgment of the Patna High Court passed in CWJC No. 8004 of 1998 (Annexure 8) by which a specific direction had been made to decide the issue once and for all, and also notwithstanding the release of funds by the Jharkhand Government as is evident from Annexure 9, which is a letter dated 30.3.2001, the petitioners have not yet been paid their interim relief since October 1999 and also arrears, teaching allowances, regional allowances and other benefits.

3. It appears that by judgment of the Patna High Court passed on 4.1.2000, it was inter alia indicated that the State Government by a resolution had decided to give medical allowance, house rent allowance etc. to the employees of the recognised Govt. aided Minority Schools at par with the employees of taken over Government Schools. It was further observed that the decision was reiterated again by a resolution dated 20.2.1990. The Court also observed that it did not find any reason as to why the matter should not be looked into by the respondents when the authorities were required to implement the Government's decision.

4. Mr. Shamim Akhtar, learned SC II states that the matter was pending before the Bihar Government in relation to payment of the aforementioned amounts towards interim relief, teaching allowance etc. in terms of the High Court's judgment. Now after the creation of the State of Jharkhand the officers of the new State will naturally have to look into the matter and take a decision in terms of the earlier judgment as earlier as possible.

5. In view of the fair stand of Shamim Akhtar and also taking into consideration the difficulties that the petitioners have been facing, which has forced them to come to Court, it is high time that they be delivered justice at the earliest possible time. Consequently, the respondent No. 3 (Director, Secondary Education, Jharkhand) is directed to look into the matter and pass an order in accordance with law and in terms of the earlier resolution of the Government and also in terms of Patna High Court's judgment indicated above and dispose off the entire matter within a period of three months from the date of receipt of individual representations filed by each of the petitioners. For the convenience of all the parties concerned each of the petitioners shall file individual representations within a period of two weeks from the date of receipt of a copy this order. The petitioners are further directed to file all necessary documents including fully legible certified copy of the judgment of the Patna High Court.

6. With these observations and directions this writ petition stands disposed off.