

**(2025) 06 JH CK 0883**  
**In the Jharkhand High Court**  
**Case No : WP(S) No.2394 Of 2021**

Dr. Shishir Kumar Yadaw

APPELLANT

Vs

State Of Jharkhand through the Secretary/Principal Secretary

RESPONDENT

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**Date of Decision :** 09-06-2025

**Acts Referred:**

Constitution of India, 1950 — Article 12

**Citation :** (2025) 06 JH CK 0883

**Hon'ble Judges :** Ananda Sen, J

**Bench :** Single Bench

**Advocate :** Manoj Tandon, Neha Bhardwaj, Sushant Kumar, Ravi Kumar, Amaresh Kumar, Namita Sahay, Arpita Sinha, Dharmendra Kumar Malityar, Amritansh Vats, Amartiya Choubey, Arpan Manjash Ekka

**Final Decision :** Disposed Of

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## Judgement

Ananda Sen, J

1. The petitioner by filing this writ petition has prayed for the following reliefs:

(i) To quash and set aside letter contained in Ref. No. SRSATTC/239/2021 dated 05.04.2021 (Annexure-12) whereby and whereunder the petitioner has been terminated from the post of Principal, Sri Ramakrishna Sarada Ashrama, Teacher's Training College (Respondent no.5).

(ii) To also direct the respondent concerned to pay the full salary to the petitioner from April 2020 to 05.04.2021 minus what has been paid to the petitioner.

(iii) To also direct the Respondent no. 5, the Teacher's Training College to pay the amount under the heading Employee Provident Fund (EPF) and respondent no. 4, EPF Commissioner be directed to ensure payment thereof to the petitioner as the petitioner worked from 03.08.2017 till the date of termination i.e. 05.04.2021 but not a single penny has been paid to the petitioner under the heading EPF.

(iv) To direct the Respondent No. 3 (NCTE) to ensure that only qualified teachers are appointed in Teacher's Training College (Respondent No. 5) as Respondent no. 5 is appointing non-qualified teachers without having the degree Ph.D/NET which is contrary to guidelines of NCTE.

2. The petitioner was appointed in the post of Principal in Sri Ramakrishna Sarada Ashrama, Teacher's Training College on 31.07.2017, where he joined on 03.08.2017. On 16.12.2020 and 11.01.2021 two letters consecutively were issued by the respondent no. 5 for explaining the absence of the petitioner from college without prior information. The petitioner submitted his reply on 25.01.2021. On 13.02.2021 the petitioner submitted another representation praying therein for payment of salary. Further on 27.02.2021 another letter was issued to explain the absence of the petitioner from the college. Finally the petitioner was terminated from service and has been directed to refund Rs. 3,09,001/- vide letter dated 05.04.2021.

3. Learned counsel for the petitioner submitted that the respondent no.5 has terminated the petitioner without any memo of charge ever framed. No Inquiry Officer was appointed nor any inquiry report was served to the petitioner, thus, the same is violation of principle of audi alterem partem. Further, he submitted that the respondent no. 5 has also not complied with the provisions of Employees Provident Fund. He also submitted that the petitioner was not paid the full salary from April 2020 till the date of termination and a meagre amount of Rs. 3,09,001/- has been paid though the petitioner was drawing a salary of Rs. 56,000/- approximately per month. He submitted that the impugned order of termination is highly illegal, unconstitutional and the petitioner cannot be terminated from service without holding a regular departmental proceeding for the alleged misconduct of absenteeism.

4. Learned counsel for the respondent no. 6 submitted that the college is privately managed institution having no interference of any person within the meaning of Article 12 of the Constitution of India. He further submitted that the petitioner was not a permanent employee of the College and for a non-permanent employee there is no need of proper disciplinary proceeding. He also submitted that after joining the College on 03.08.2017 due to sudden outbreak of COVID-19 pandemic the government issued lockdown. In a Meeting dated 05.02.2020 the Governing Body had taken a decision to pay 50% of the salaries to the teachers, as the college is short of funds for some time. The petitioner has only attended the College till 03.06.2020. The petitioner remains continuously absent but inspite of this fact he has been paid salary till December 2021. Due to his continuous absence he was show-caused but he paid no heed and remained absent. Ultimately finding no other alternative, the respondent has terminated the petitioner after giving proper opportunity of hearing.

5. Learned counsel for the EPF Organisation submitted that they have deputed an Area Enforcement Officer to visit the Establishment of Sri Ramakrishna Sarada Ashrama, Teacher's Training College for examining the eligibility condition of the

petitioner for being a member of EPF. From his report it is found that the petitioner's salary was more than Rs. 15,000/- so he cannot be enrolled as a EPF member.

6. Learned counsel for the Vinoba Bhave University also submitted that the University has got no role to play regarding financial and administrative matter of the College and it is the governing body of the College who is taking all the financial and administrative decisions of the College.

7. From the materials on records, I find that the petitioner was not a permanent employee of the College. The petitioner after the outbreak of pandemic remained absent from the College unauthorisedly. Vide letter dated 16.12.2020 the petitioner was show-caused regarding his continuous absence which was replied by the petitioner on 26.12.2020 doubting the signature of the President of the College and alleging conspiracy against him. On being unsatisfied with the reply filed by the petitioner further a second show-cause notice was issued to the petitioner vide letter dated 11.01.2021, which he replied on 25.01.2021. On 09.02.2021 also a show-cause notice was issued to the petitioner which was replied by the petitioner. Thus, I find that sufficient opportunity of hearing was provided by the respondents to the petitioner.

8. Further, I found that during petitioner's absence also payment has been made on account of salary to him though for some time it is 50% of his salary. He remained continuously absent inspite of several letters issued by the Authority concerned and finally it was decided by the Authority to terminate the services of the petitioner. In fact during COVID-19 online education was imparted but the petitioner was absent from the institution. I find no illegality in the action of the respondents as they didn't have any option. The Authority has given appropriate opportunity of hearing to the petitioner and finally had taken the decision of his termination. Thus, in view of the fact that the petitioner was not a permanent employee and the principle of natural justice has been followed the petitioner has rightly been terminated from services.

9. However, I find that the respondent-authority in the impugned order has directed the petitioner to deposit Rs. 3,09,001/- to the Establishment. This payment was given to the petitioner during the COVID-19 pandemic. In such an extraordinary situation it is not appropriate for the respondent-authorities to direct the petitioner to refund the said amount. In view of the aforesaid finding the part of the order by which petitioner was directed to deposit an amount of Rs. 3,09,001/- to the Establishment stand quashed, without interfering with the order of termination.

10. Accordingly, this writ petition stands disposed of with the aforesaid finding.