

(2008) 07 JH CK 0117
In the Jharkhand High Court

Gulab Chand Khemka

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 25-07-2008

Acts Referred:

Citation : (2008) 3 JCR 739

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—By this review application filed by respondent No. 5, the President. DAV (H.E.) School, Katrasgarh, Dhanbad a prayer has been made for review of judgment and order dated 29.10.2002 passed in CWJC No. 1624/2001. The order reads as under:

Heard the counsel for the petitioner. In spite of time allowed by this Court by order dated 24.4.2001 the respondents has not filed counter affidavit though more than one and half years have passed.

The petitioner seeks appropriate direction upon the respondents for his appointment on compassionate ground in place of his father who died in harness. The father of the petitioner, while working as head clerk in DAV (H.E.) School, Katras, died on 1.7.2000. Immediately after the death of his father he applied in the said school for his appointment on compassionate ground. The said application was followed by several representations. The case of the petitioner for appointment on compassionate ground was recommended by respondent Nos. 5, 6 and 7, namely, the President, Secretary and the Headmaster of the school. Not only that the petitioner was provisionally appointed on compassionate ground with effect from 12.8.2000.

In the facts of the case I direct the District Compassionate Committee headed by the Deputy Commissioner-cum-President District Compassionate Committee to immediately and forthwith consider the claim of the petitioner for his

appointment on compassionate ground and pass a reasoned order within 30 days from the date of production of a copy of this order. In the meantime all the retiral dues shall be paid to the legal heirs of the deceased.

With the aforesaid direction this writ application is disposed of.

2. The grounds taken in the review application is that the order has been passed on the basis of averments made by the writ petitioner that the school in question is a Government School when as a matter of fact, the school is a minority institution, which is recognized and aided by the State and the management of school is run by the Managing Committee of the School. It is also stated that the case of the writ petitioner for compassionate appointment was not recommended by the review petitioner who is Secretary of the School.

3. I have heard learned Counsels appearing for the parties.

4. In the counter affidavit filed by respondent No. 7, it is stated inter alia that the school in question is in the absolute control of the State, which is evident from the inquiry report. It is further stated that after the order was passed in the writ application, the case of the petitioner (respondent No. 7) was considered and letter of appointment was issued by the President of the school. A copy of the appointment letter dated 20.1.2003 has been annexed as Annexure-B/1 to the counter affidavit. Another document has been filed and annexed as Annexure-C/1 to show that the school in question is fully controlled by the State Government being an added institution.

5. After hearing learned Counsel for the parties and also considering the facts that the direction issued in the writ petition has already been complied with and letter of appointment was issued as far back as in 2003 under the signature of the President of the said School, I do not find any reason to review the said order.

6. However, I am not expressing any opinion as to whether the school in question is fully managed and controlled by the Managing Committee or by the State Government. For the aforesaid reasons, I do not find any reason to review the order passed in the writ petition. Hence, this review petition is, accordingly, dismissed.