
(2005) 12 JH CK 0042

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3328 of 2003

Jharkhand Polytechnics College Teacher's Association

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-12-2005

Acts Referred:

Citation : (2006) 1 JCR 334

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Krishna Pandeyi, for the Appellant; G.A., for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This writ petition was preferred by Jharkhand Polytechnics College Teacher's Association for direction on respondents to consider the question of enhancement of age of superannuation in the light of recommendation made by All Indian Council for Technical Education (AICTE) vide Notification No. 1065/CD/NEC/98-99 dated 30th December, 1999 (Annexure-3) and Notification No. 1-65/CD/MEC/98-99 dated 15th March, 2000 (Annexure-4) and the order passed by the Government of India vide Letter No. F. 37-104/95-TS.11 dated 9th October, 1998 (Annexure-2) and the State Government Resolution No. 971 dated 11th April, 1990 (Annexure-5).

2. Further prayer has been made to set aside Clause 4(Ka) of Letter No. 379 dated 16th February, 1990 issued by the Department of Science and Technology, Government of Bihar and the provision at Clause 8 of Letter No. 747 dated 2nd June, 2003, which provide for lowering the age of superannuation to 60 (sixty) years for teachers of the Government Polytechnics Colleges/Institutions.

3. In spite of time allowed to the respondents vide order dated 15th July, 2003, no counter affidavit has been filed during the last two and half years. In absence of such affidavit, it is not possible for this Court to give any finding on merit. The prayer of the counsel for the State to file counter-affidavit is rejected and a cost of Rs. 5,000/- (rupees five thousand) is imposed on the State Government for

not co-operating with the Court, which is to be paid in favour of the Jharkhand State Legal Services Authority within one month.

4. So far as the claim of the petitioner-association is concerned, this Court is not inclined to interfere with the order passed for lowering the age of superannuation, but remit the case to the State Government to determine whether the age of superannuation of the members of the petitioner-association to be enhanced in the light of Government of India's recommendation and the recommendation of AICTE, as referred above.

5. A decision in this regard be taken and, if so necessary, appropriate notification be issued within three months from the date of receipt/production of a copy of this order.

6. If any adverse decision is taken, the respondents will communicate it to the petitioner-association.

7. The petitioner-association will produce a copy of this order before the Secretary, Department of Science and Technology, Government of Jharkhand, and Secretary, Department of Finance, Government of Jharkhand.

8. This writ petition stands disposed of with aforesaid observations and directions.