
(2013) 01 JH CK 0150

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4342 of 2006

Kali Pada Dutta and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-01-2013

Acts Referred:

Citation : (2013) 01 JH CK 0150

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Manish Kr. and Mr. Manoj Kr, for the Appellant; Amrendra Pradhan JC to GP-IV For the State, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. Petitioners have come before this court seeking quashing of the Office Order contained in Memo No. 2123 dated 25th October 2005 issued by the respondent no. 5-District Superintendent of Education, Dumka (Annexure-11) by which, claim of the petitioners for grant of B.Sc. trained scale from 1995, has been rejected. Petitioners also pray for issuance of a direction upon the respondent to grant them the pay scale of B.Sc. trained from which date they passed the teachers training examination.

2. According to the petitioners, they were appointed in the year 1982 as Science Teachers and with stipulation in the advertisement that the untrained candidate will be sent for training after appointment and after 15 months of completion of the training, they will be granted B.Sc. trained scale. It is the contention of the petitioners that they were sent for one year training sometime in the year 1990 and though, they had completed one year training course, but the respondent failed to take the exam on completion of their training and it was done in the year 1995 and results were subsequently published in the same year. Further contention of the petitioners is that the respondent DSE has however rejected their claim for B.Sc. trained scale effective from the date of passing of the

teachers training examination in the year 1995, although petitioners were not at fault for the delay in conclusion of the examination and their case ought to have been considered as per stipulation contained in the advertisement and their appointment letters instead of invoking the provisions of 1993 promotion rules.

3. Respondent State have appeared and filed their counter affidavit. It is the stand of the respondents that the petitioners were appointed as teachers on Matric (untrained) scale on stipend of Rs. 150/- per month in the year 1982 and they were given the scale of B.Sc. (untrained) scale of Rs. 680-965/- in the year 1989. These petitioners passed the training in the year 1995 only and in accordance with the Promotion Rules, 1993, they can be granted B.Sc. (Trained) Scale only after having worked at least eight years after acquiring the qualification of teachers training. Petitioners have passed the training in the year 1995 and they have been given the B.Sc. (Trained) scale from the date on which they were entitled vide office memo no. 1374 dated 30th June 2006. It is the contention of the respondents that the Promotion Rules, 1993 are applicable to these petitioners and they cannot claim the benefits of B.Sc. trained scale after coming into force of 1993 Rules without fulfilling the necessary eligibility criteria laid down therein for having completed eight years upon acquisition of such training.

4. Heard counsel for the parties and gone through the relevant materials on record. The claim of the petitioners rests on the submission that these petitioners had undergone the necessary teachers training examination and results were declared in the year 1995 for which they should not be disentitled from getting B.Sc. (trained) scale as per condition stipulated in the appointment letter. However, from the facts which have been brought on record, it appears that as a matter of fact, these petitioners had acquired the teachers training qualification only in the year 1995 after declaration of the results of such training examination. Respondents have therefore followed the mandate laid down in Rules 1993 whereby upon acquisition of qualification and having worked for eight years from the date of such acquisition of training qualification, the concerned teachers are entitled for B.Sc. trained scale. Respondents have considered the cases of the petitioners as per their statements made in their counter affidavit and have granted them the said scale vide office order no. 1374 dated 30th June 2006 with effect from the date on which they were entitled. No exception can be made to the application of the 1993 Rules which have come into force before the petitioners' acquiring necessary training qualification. In that view of the matter, grievances of the petitioners are misconceived and therefore, the writ petition is dismissed.