

(2020) 11 JH CK 0086
In the Jharkhand High Court
Case No : Writ Petition(S) No. 2822 Of 2019

Krishnakant Pandey

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 24-11-2020

Acts Referred:

Citation : (2020) 11 JH CK 0086

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : J.S. Tripathy, K.K. Singh

Final Decision : Disposed Of

Judgement

Heard Mr. J.S. Tripathy, the learned counsel for the petitioner, Mr. Sunil Kumar, the learned counsel for the respondent no.2 and Mr. K.K. Singh, the learned counsel for the respondent nos.1,3,4 and 5.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

The petitioner has preferred this writ petition for quashing the letter no.488 dated 31.03.2017 [Annexure-13] and letter no.547 dated 18.04.2017 [Annexure-17].

Mr. Tripathy, the learned counsel for the petitioner submits that the petitioner was appointed as teacher in the year 2010 after qualifying the examination on 27.07.2010. He was appointed and posted as teacher. The petitioner joined on 21.08.2010 in the office of DSE, Palamau. The

petitioner was transferred to Koiridih, Deoghar cadre by order dated 05.10.2010. The petitioner was released for joining as teacher in Deoghar. The

petitioner's marks sheet was sent for verification and pursuant thereto the Deputy Vice Chancellor, Sampurnanand Sanskrit University, Varanasi a

letter dated 31.12.2010 was issued by the said University. Another letter was issued by the Examination Controller of K.S.D. Sanskrit University,

Darghanga regarding verification of mark sheet of Upshastri examination.

Thereafter, on verification the salary of the petitioner was directed to be released from March, 2011 by the DSE, Deoghar. The petitioner has

received letter dated 17.10.2016 asking him to submit his certificate for NCTE recognition etc. The petitioner replied to that letter. By letter dated

31.03.2017 and 18.04.2017 the petitioners have been show caused to the effect that the University in question is not recognized.

The learned counsel for the petitioner submits that he has already replied the show cause and he further submits that the case of the petitioner is fully

covered in view of coordinate Bench judgment rendered by this Court in 'Poonam Rai vs State of Jharkhand and Others' [WPS No.5842 of 2013]

dated 31.10.2017. He further submits that this aspect of the matter has already been considered by the Allahabad High Court and affirmed up to the

Hon'ble Supreme Court. He submits that the State is acting arbitrarily.

Mr. K.K. Singh, the learned counsel for the respondent State submits that only the show cause has been issued by such impugned letter and the

petitioner is unnecessarily apprehending with any adverse order will be passed against the petitioner.

In view of the above facts and considering this aspect of the matter that only show cause notice has been issued by the impugned letters it is desirable

that the petitioner has to appear before the authority concerned to satisfy that the case of the petitioner is fully covered in view of the case of the

Allahabad High Court and Hon'ble Supreme Court judgment.

Accordingly, this writ petition is being disposed of with a direction to the petitioner to file a fresh representation before the respondent no.4 with all

credentials on which the petitioner is relying along with the judgment of 'Poonam Rai' supra within 3 weeks.

If such representation is filed within aforesaid period, the respondent no.2 shall take a decision in accordance with rules, regulations and guidelines and

considering the judgment relied by the petitioner or he may refer the matter to the competent authority who will take a decision in this regard. The

entire exercise must be completed within 12 weeks from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction, this writ petition is disposed of.