
(2008) 01 JH CK 0069
In the Jharkhand High Court

Kundan Jha, Bindeshwar Prasad Choudhary, Bhumneshwar Prasad Yadav and Chandra Moleshwar Prasad Singh APPELLANT

Vs

The State of Jharkhand and Others RESPONDENT

Date of Decision : 29-01-2008

Acts Referred:

Citation : (2008) 01 JH CK 0069

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the learned counsel for the parties.

All the four writ petitioners were initially appointed as Assistant teachers in different Middle Schools in the district of Deoghar in the year 1981-82. Their appointments were cancelled subsequently in the year 1983. Several writ petitions were filed before the Patna High Court which went up to the Supreme Court and ultimately by the order of the Patna High Court as well as of the Supreme Court the petitioners were reappointed in the year 1994 by issue of order as contained in Annexure-1 dated 25.7.1994. The grievance of the petitioners is that though they are entitled to get B.Sc. untrained scale of Rs. 680-965, but the respondents in a most arbitrary manner have fixed their salary in the scale of matric untrained. According to the petitioners similarly situated teachers working in the district of Godda and Dumka whose services were also terminated earlier like the petitioners and were reappointed in the year 1994, have been given B.Sc. untrained scale, whereas the petitioners are being given lower pay scale. Learned counsel for the petitioners produced before me Photostat copy of the order passed by the Patna High Court in C.W.J.C. No. 5144 of 1994, which was disposed of by giving direction to the concerned respondents to examine and sanction in accordance with law the B.Sc. untrained scale to the petitioner. It is stated that the case of the petitioners stands on similar footing to that of C.W.J.C. No. 5144 of 1994. The petitioners have also filed a detailed representation as contained in Annexure-12, but no order of any kind has been

passed on their representation.

2. A counter affidavit has been filed on behalf of the State of Jharkhand. In paragraph 5(e) of the counter affidavit, it has been stated that in the meeting of the Establishment Section of the Education Department, Deoghar, held on 20.12.1994 it was resolved to appoint the teachers on the post of Matric (untrained) or (Trained) as the case may be and, accordingly, after reappointment the petitioners were given the Matric untrained scale. There is no denial of the facts alleged by the petitioners that teachers working in the District of Godda and Dumka are being paid their salary in B.Sc. untrained Scale.

3. In view of the above facts stated above for the ends of justice the authority concerned should have determined the claim of the petitioners after considering the relevant documents as well as the case of similarly situated teachers working in the district of Godda and Dumka as also the judgment and order passed in different cases by the Patna High Court as well as by the Supreme Court. Accordingly, this writ petition is being disposed of by giving liberty to the petitioner to file a fresh representation stating his claim in details annexing supporting documents if any, including the judgments and orders passed by the Patna High Court as well as by the Supreme Court before the District Superintendent of Education, Deoghar, within a period of 2 weeks from today. If such a representation is filed by the petitioners within the said period, the District Superintendent of Education, Deoghar shall place the matter before the Establishment Committee which shall consider claim of the petitioners and take a decision in accordance with law within a period of 8 weeks from the date of filing of the representation by the petitioners. It goes without saying that if the claim of the petitioners is found to be genuine, appropriate order must be passed by the competent authority without any further delay.

The writ application stands disposed of with the aforesaid directions and observations.