
(2016) 09 JH CK 0115
In the Jharkhand High Court
Case No : W.P.(S) No. 3877 of 2016

Lawrence Toppo

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 27-09-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 JBCJ 363 : (2017) 2 JCR 3

Hon'ble Judges : Mr. Pramath Patnaik, J.

Bench : Single Bench

Advocate : Mr. Binod Kumar, Advocate, for the Petitioners; Mr. Rajesh Kumar, G.P.-V, for the Respondents

Final Decision : Disposed Off

Judgement

Pramath Patnaik, J.—; Heard learned counsel for the parties.

2. Learned counsel for the petitioners submitted that the petitioners are retired teacher of minority Primary/Middle School, details of the individual are being shown in the chart given below:

Sl No

Name of the petitioner/Teacher

Name of the School

Circle

Date of appointment

Date of Retirement

1.

Lawrence Toppo

R.C. Boys Middle School

Dumri

01.03.1989

30.04.2014

2.

Sister Mariam Toppo

Ursuline Convent Primary Girls School

Samtoli

07.06.1979

31.03.2009

3.

Susree Jitni Tirkey

St. Jones Middle Schol

Nawatand

01.07.1988

30.06.2012

4.

Sister Blandina Kiro

St. Joseph's Middle School

Hesag

01.06.1981

30.06.2008

5.

Sister Agatha Kujur

St. Joseph's Middle School Bishrampur

Ranka

29.07.1989

31.10.2013

6.

Helana Lakra

St Anna Primary School, Ranchi

Ranchi

01.01.1967

30.11.2002

7.

Tarcisus Beck

R.C. Mission Primary School, Dikdan

Dikdan

11.08.1976

31.01.2007

8.

Sri Prabhu Sahay Nag

Epifani Boys Middle School, Kamdara

Kamdara

04.01.1982 28.02.2014

9.

Smt. Satang Topno

G.E.L Primary School, Kotbo

Kotbo

10.08.1982

31.01.2015

3. It is the contention of the petitioners that the schools in question are Aided Minority Schools and all expenses towards payment of salary and retirement benefits of the school employees has been funded by the State Government from the public exchequer. The petitioners are also getting pension on the basis of the pension payment order issued by the office of the Accountant General.

4. In the present writ application, the grievance of the petitioners is in relation to non-payment of leave encashment amount on the earned leave outstanding against them. They have also stated that other post retiral dues have already been paid and that salary and post retirement benefit have been paid out of grant-in-aid provided by the State Government.

5. Learned counsel for the petitioners submits that though, the claim of the petitioners was resisted earlier by the respondent-State Government, but the

issue has now been settled in view of the judgment rendered by the learned Division Bench of this Court in the case of Mariyam Tirkey v. The State of Jharkhand and others in W.P.(S) No. 506 of 2013 and analogous cases dated 3rd January, 2014 which has also been reported in 2014 (1) JBCJ 465 and now upheld up to the Hon"ble Supreme Court vide judgment dated 15.12.2014 passed in Special Leave to Appeal (C) No(s) 20606-20607/2014. According to the petitioners, the writ petition may be disposed of in view of the judgment rendered as aforesaid by the learned Division Bench and affirmed up to the Hon"ble Supreme Court, by directing the respondents to pay the earned leave encashment amount to the petitioners.

6. Learned counsel appearing for the Respondent-State does not dispute that the aforesaid issue relating to admissibility of the earned leave encashment amount to the teachers of Non-Government/Aided Minority School has now been decided by the judgment rendered in the case of Mariyam Tirkey (Supra) and affirmed up to the Hon"ble Supreme Court.

7. Having heard learned counsel for the parties, in such circumstances, the writ petition is being disposed of by directing the respondent no. 4, District Education Officer, Gumla to take a decision in the matter of grant of leave encashment amount to the petitioners after due scrutiny of their relevant service records and in view of the judgment rendered in the case of Mariyam Tirkey (Supra) within a period of ten weeks from the date of receipt of a copy of this order along with the representation on behalf of the petitioners.

8. The writ petition is accordingly disposed of.