
(2016) 05 JH CK 0003
In the Jharkhand High Court
Case No : W.P.(S) No. 2277 of 2016

Maxima Kiro

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 02-05-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 JBCJ 288

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

Bench : Single Bench

Advocate : M/s M.M. Pan & K.N. Sahay, Advocates, for the Appellant; Ms. Pinki Sah, J.C to S.C, for the Respondent

Final Decision : Disposed Off

Judgement

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

2. The petitioner is said to have retired on 31.07.2010 as Assistant Teacher from Ursuline Convent Girls High School, Jampani, Simdega. It is the contention of the petitioner that the school in question is an Aided Minority High School 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 petitioner is also getting pension on the basis of the pension payment order issued by the office of the Accountant General.

rendered by the learned Division Bench of this Court in the case of Mariyam Tirkey v. The State of Jharkhand & 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 petitioner, 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 encasement amount to the petitioner.

5. Learned counsel appearing for the Respondent-State does not dispute that the aforesaid issue relating to admissibility of the earned leave encasement 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.

6. Having heard learned counsel for the parties, in such circumstances, the writ petition is being disposed of by directing the respondent no. 3, District Education Officer, Simdega to take a decision in the matter of grant of leave encasement amount to the petitioner after due scrutiny of her 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 petitioner.

7. The writ petition is accordingly disposed of.