

(2010) 02 JH CK 0081
In the Jharkhand High Court

Md. Abdul Wahab

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 04-02-2010

Acts Referred:

Citation : (2010) 02 JH CK 0081

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. The case of the petitioner is that he was appointed as Assistant Teacher on Matric untrained scale in the year 1970 and he was posted in Lower Primary School in village Rangdanga in the District of Dumka now Pakur. Subsequently, in the year 1982, he was given I.A. Trained scale and then he got B.A. Trained scale in the year 1987. He was promoted to the post of head Master and was posted in the Middle School, Ganpura, within the block of Pakuria under Pakur District. He was granted the scale of Head Master w.e.f. 01/04/1996. In fact the petitioner got the scale of Head Master from the date he joined on the post in the year 1997.

3. The grievance of the petitioner is that all of a sudden by issue of a letter No. 1579 dated 24/12/2002, the District Superintendent of Education, Pakur, directed all the drawing and disbursing officer of the Block under Pakur District for recovery of the excess amount paid to those teachers/head masters towards the salary as Head Master on the basis of the audit report as well as the letter of the Accountant General on the ground that they were wrongly given the pay scale of Head Masters. It is alleged that the District Superintendent of Education, Pakur by his letter dated 28/03/2003 issued direction to comply the order already issued by him on 24/12/2002. On the basis of the aforesaid letters of the District Superintendent of Education, Pakur the petitioner's salary was withheld and the authorities concerned were going to recover the amount already paid to the petitioner alleged to be paid to him in excess on the ground that the promotion

given to the petitioner to the post of Head Master was not legal and valid.

4. It appears that several other teachers/head masters posted in the district of Pakur, against whom also the action for recovery of the alleged excess amount was ordered to be recovered from the salary, moved this Court with similar grievance as that of the petitioner in the present case and some of the writ petitions were heard by me and those writ petitions were finally disposed of by judgment dated 13/10/2009, which has been reported in 2009 (4) JCR 740 (Jhr.).

5. In the aforesaid cases, this Court, after relying the decision of the Full Bench of this Court in the case of Smt. Normi Topno Vs. The State of Jharkhand and Others, , quashed that portion of the order of the District Superintendent of Education which related to the recovery of the amount already paid to those petitioners. The case of the petitioner in hand is fully covered by the judgment passed by me in the case of Angilina Soren v. State of Jharkhand and Ors. reported in 2009 (4) JCR 740 (Jhr.).

6. Accordingly, this writ petition is being disposed of by holding that the decision in the case of Angilina Soren v. State of Jharkhand and Ors. reported in 2009 (4) JCR 740 (Jhr.) shall also apply in the present case in toto, since the facts and points involved in this writ petition is exactly the same. It is directed that no amount from the salary of the petitioner shall be deducted on the ground that the same has been paid to him in excess and, if any, amount has been recovered/ deducted the same must be refunded to him forthwith.

This writ petition stands disposed of, with the above observations and directions.