

(2003) 01 JH CK 0125
In the Jharkhand High Court
Case No : C.W.J.C. No. 2406 of 2001

Misbahun Nisa

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 13-01-2003

Acts Referred:

Citation : (2003) 51 BLJR 477

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : A. Allam, for the Appellant; JC to SC 1, for the Respondent

Judgement

Tapen Sen, J.—Heard Mr. A. Allam, learned Counsel for the Petitioner and J.C. to S.C. 1.

2. The grievance of the Writ Petitioner in the instant case is that notwithstanding the existence of Circulars making sixty years as the age of superannuation of the teachers like the Petitioner, the Respondents have passed an order on 28-12-1997 (Annexure-2/1) by which the petitioner has been directed that on her having reached the age of 58 (fifty eight) years, she will be superannuate on 31-12-1997.

3. Learned Counsel for the Petitioner has further made a grievance that on the basis of the aforesaid illegal letter, the Petitioner was forced to retire on 31-12-1997 by misquoting a Circular although from a perusal of Annexure-1 and Annexure-3 it appears that the date of superannuation has been accepted to be 60 (sixty) years in the case of persons/teachers such as the Petitioner.

4. In the Counter Affidavit, it has been stated that the Petitioner retired on 31-12-1997 following the letter of the District Superintendent of Education, letter No. 4565, dated 22-12-1997.

5. From the rival contention of the parties, therefore, it is desirable that the appropriate authority concerned in this case should decide the issue and should

categorically inform the Petitioner as to whether the letter No. 4565 is relevant or as to whether the letter of the Regional Deputy Director of Education dated 14-3-2000 would be relevant in the facts and circumstances of the case when read with Annexure-1.

6. In that view of the matter and as agreed by the parties, this Writ Petition is being disposed off by giving liberty to the Petitioner to approach the Respondent No. 2 i.e. Director of Primary Education, Government of Jharkhand with a fresh representation such a representation is filed, the said authority will consider the same and passed order in accordance with law with all expedition at his disposal but definitely not beyond a period of three months from the date of filing of the representation. The representation must also be accompanied with a copy of this order. It goes without saying that if the authority concerned comes to a conclusion that the Petitioner was entitled to remain till the age of 60 (sixty) years of age, then in that event and taking into consideration that the Petitioner has already superannuated, she would be entitled to all consequential monetary benefits including salary.

7. In that view of the matter and as agreed by the parties, this Writ Application is being disposed off by giving liberty to the Petitioner as indicated above,