
(2014) 02 JH CK 0037
In the Jharkhand High Court
Case No : WP(S) No. 2593 of 2013

Munichetty Saraswati

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 28-02-2014

Acts Referred:

Citation : (2014) 3 JLJR 280

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : M.M. Pan, Advocate for the Appellant

Judgement

Aparesh Kumar Singh, J.—The petitioner is said to have retired on 30th September, 2009 from the post of Assistant Teacher of Bharat Sevashram Sangha Pranavananda Vidya Mandir Middle School, Sonari, Jamshedpur, East Singhbhum, a Government recognized Aided Minority School. In the present writ application, her grievances are in relation to non-payment of leave encashment amount on the Earned Leave outstanding against her name and her prayer has also been rejected by an order dated 8th March, 2013 contained in Memo No. 842 issued by the respondent No. 2-District Superintendent of Education, East Singhbhum, Jamshedpur.

2. Counsel for the petitioner submits that though, the claim of the petitioner 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 Vs. The State of Jharkhand and Others, and analogous cases dated 3rd January, 2014 which has also been brought on record by way of I.A. No. 379/2014. According to the petitioner, the writ petition may be disposed of in view of the judgment rendered as aforesaid by the learned Division Bench by directing the respondents to pay the earned leave encashment amount to the petitioner.

3. Counsel for the 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).

4. Having heard learned counsel for the parties, in such circumstances, it appears that the matter requires reconsideration at the level of the respondent in view of the judgment rendered by the learned Division Bench of the Court in the case of Mariyam Tirkey (supra). Therefore, the writ petition is being disposed of by directing the respondent No. 2-District Superintendent of Education, East Singhbhum, Jamshedpur to reconsider the matter and take a decision in the matter of grant of leave encashment amount to the petitioner after due scrutiny of the relevant service records of the petitioner 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. The writ petition is accordingly disposed of. I.A. No. 379/2014 also stands disposed of.