
(2015) 11 JH CK 0012
In the Jharkhand High Court
Case No : W.P.S. No. 3799 of 2013

Naresh Prasad Choudhary

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-11-2015

Acts Referred:

Citation : (2016) 1 JLJR 36

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Sanjay Kumar Pandey, for the Appellant; Ravi Kumar, J.C. to S.C. II, for the Respondent

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties.

2. The recognition of services of the petitioner as Assistant Teacher of Project Girls High School, Barkattha, District Hazaribag has been refused by the 3 Man Alam Committee constituted by the Human Resources Development Department, Government of Jharkhand in terms of the judgment rendered in Civil Appeal Nos. 6626-6675 of 2001 dated 3.1.2006. Annexure-A is the notification and Annexure-B is the report of the 3 Man Alam Committee. Apparently, petitioner was not having the minimum educational qualification of Graduation at the time of his appointment on 17.7.1984/25.7.1984, shown from the records produced by the Managing Committee. He obtained the qualification of Graduation in 1987 from Ranchi University and in 1989 obtained the Honours degree. He thereafter obtained Teachers Training Qualification from Rashtriya Patrachar Sansthan, Kanpur in 1990, which the 3 Man Alam Committee found to be forged Institution. Therefore, it did not recommend the recognition of services of the petitioner. The Committee examined the cases of teaching/non teaching employees for the purpose of making recommendation in respect of recognition of their services in terms of the conditions laid down in letter No. 142 dated 4.2.1989 and in terms of the directions passed by the Hon"ble Supreme Court in Civil Appeal Nos.

6626-6681 of 2001. The letter dated 4.2.1989 stipulated certain conditions in the matter of approval of services of teaching/non teaching employees, one of them being that candidate appointed by the Managing Committee as Teacher should be within the approved unit for different subjects and should have minimum educational qualification and eligibility prescribed. Clause 4 thereof prescribes the requirement of Graduation as minimum educational qualification and also the Teachers Training.

3. Learned counsel for the petitioner submits that the full Bench of Patna High Court in its judgment rendered in the case of Project Uchchavidyalaya Siksha, Etc. Etc. Vs. State and Others Etc. Etc.--> has at para 33 laid down that the candidate seeking recognition of his service should have possessed minimum qualification on the cut off date on which the report was submitted by the Screening Committee. Learned counsel for the petitioner thereafter states that in the case of Sukhdeo Gope Vrs. State of Jharkhand & others, which was decided by the learned Single Judge of this Court in W.P.S. No. 5161 of 2009 vide judgment dated 22.2.2012 (Annexure-11 to the rejoinder dated 27.9.2013), the said Assistant Teacher who was appointed on 5.1.1984 was also not having Graduation qualification as also the Teachers Training Qualification which he subsequently acquired in 1994 i.e. prior to the report submitted by the Screening Committee. However, the learned Single Judge quashed the part of the report which refused recognition of his services on the ground that he did not possessed minimum qualification before the cut of date. It is submitted that the Screening Committee had submitted its report on 30.9.2007 and therefore learned Single Judge directed the State authorities to recognize the services of the said petitioner in the light of the observation made in para 33 of the full Bench judgment rendered in the case of Project Uchcha Vidyalaya Shishak Sangh (supra). By referring to Annexure-12, order of recognition dated 22.1.2013 passed by the Principal Secretary, H.R.D. Department in the case of Sukhdeo Gope, learned counsel further submits that it is evident that the said person also acquired the qualification of Graduation only in December, 1988 but before the cut off date i.e. 30.9.2007. Therefore, present petitioner's case also falls in the same category.

4. So far as ground relating to obtaining Teachers Training Qualification from the Institute Rashtriya Patrachar Sansthan, Kanpur is concerned, learned counsel has relied upon the case of one Brahmadeo Pandey, Annexed as Annexure-13 to the same rejoinder where learned Single Judge of this Court found that qualification of Teachers Training was obtained by the said person from the said Institution much before coming into force of the N.C.T.E. Act in 1995 i.e. in the year 1986 itself. It is submitted that present petitioner has also obtained the Teachers Training qualification from the said Institute before coming into force of the N.C.T.E Act in the year 1990. Therefore, on that ground rejection of petitioner's claim is bad.

5. Counter affidavit has been filed by the respondent- State. Learned counsel for

the respondent- State submits that the 3 Man Alam Committee submitted its report clearly mentioning that at the time of appointment of the petitioner on 17.7.1984/25.7.1984, he did not possess the requisite qualification. He later on possessed the Graduation degree in 1987 and Honours in 1989. He also obtained the Shiksha Alankar (B.Ed.) from Rashtriya Patrachar Sansthan, Kanpur in the year 1990, which is a fake Institution and not recognized by the State Government. Therefore, his case was not recommended. It has also been stated by the respondents in their counter affidavit at Para 8 that as per the report of the Regional Deputy Director of Education, North Chhotanagpur Division, Hazaribag and Alam Committee, the School was established by the State Government itself and there is no evidence on record that the School was ever maintained by any Managing Committee. Thereby it is clear that the Teachers appointed by the Managing Committee were not genuine.

6. Learned counsel for the petitioner in response submits that subsequently services of few teachers/non teaching employees have been recognized though they were also appointed before the selection of the school like petitioner by the Managing Committee, such as one Chitranjan Prasad Yadav, Peon.

7. Be that as it may, upon hearing learned counsel for the parties and taking into account the aforesaid material facts pleaded, on the one hand the 3 Man Alam Committee after examining the cases of persons like petitioner for the purpose of recommendation of their services in the Project Girls High School, Barkattha, Hazaribag found that the petitioner did not have Graduation or Teachers Training Qualification at the time of his appointment by the Managing Committee but on the other hand, it has been shown by the petitioner that one Sukhdeo Gope who had also obtained Graduation qualification in 1988 i.e. after his appointment by the Managing Committee of the Project Girls High School, Jamdih, Tonto, West Singhbhum was recognized in service vide order bearing memo No. 153 dated 22.1.2013(Annexure-12) in pursuance of certain directions passed in his case in W.P.S. No. 5161 of 2009, Annexure-11 dated 22.2.2012. At the same time it is shown by the petitioner that one Brahmadeo Pandey who had also obtained Sahitya Alankar qualification from the same Rashtriya Patrachar Sansthan, Kanpur in the year 1986 i.e. before coming into force of the N.C.T.E. Act, 1995 had approached this Court in W.P.S. No. 4213 of 2011 on rejection of his case by the 3 Man Alam Committee on the said ground. By the judgment at Annexure-13 dated 14.5.2013, learned Single Judge of this Court quashed the 3 Man Alam Committee Report and remitted the matter to the respondent- department for consideration and appropriate decision.

8. The aforesaid conspicuous facts noticed herein above lead to the conclusion that the claim of the present petitioner is also required to be examined afresh by the respondent No. 2, the Director (Secondary Education), Human Resources Development Department, Government of Jharkhand, Ranchi after due scrutiny of all relevant records including the report of the 3 Man Alam Committee and instances of other persons as referred to herein above, whose services have been

recognized by the respondents though they had also obtained minimum educational qualification of Graduation and Teachers Training after their selection by the Managing Committee of the School. Therefore, without expressing anything on the merit of the case, the matter is remitted to the respondent No. 2, the Director (Secondary Education), Human Resources Development Department, Government of Jharkhand, Ranchi to take a fresh decision in accordance with law.

9. The writ petition is disposed of accordingly. I.A. No. 8153 of 2013 also stands disposed of.