
(2016) 01 JH CK 0097
In the Jharkhand High Court
Case No : W.P. (S) No. 6131 of 2015

Premika Minz

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-01-2016

Acts Referred:

Citation : (2016) 1 AIRJharR 601

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Rajendra Prasad Gupta, for the Appellant; Chandra Prabha, SC-IV and Vishal Kr. Rai, JC to SC-IV, for the Respondent

Final Decision : Disposed off

Judgement

Aparesh Kumar Singh, J.—1. Petitioner is said to have retired on 31.05.2015 as an Assistant Teacher of Samast Sant Middle School, Kachabari, Karra in the district of Khunti. In the present writ application, the grievance of the petitioner is in relation to non-payment of leave encashment amount on the earned leave outstanding against her name. She has also stated that other post retiral dues have already been paid and that salary and post retirement benefits of the petitioner have been paid out of the grant-in-aid provided by the State Government.

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 v. The State of Jharkhand and others in WPS No. 506/2013 and analogous cases dated 3rd January 2014 which has also been reported in , 2014 (1) JBCJ 465 : (2014 (1) AJR 587) 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. Accordingly, 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 (, 2014 (1) AJR 587) (supra) and affirmed up to the Hon''ble Supreme Court.

4. Having heard learned counsel for the parties, in such circumstances, the writ petition is being disposed of by directing the respondent No. 3-District Superintendent of Education, Khunti to 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.