
(2006) 03 JH CK 0023
In the Jharkhand High Court
Case No : Writ Petition (S) No. 6280 of 2005

Pushpa Soren

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-03-2006

Acts Referred:

Citation : (2006) 4 JCR 423

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Harsh, Sanjay Piprawall, for the Appellant; H.K. Singh, S.C.I., for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by the petitioner against the Order No. 1263 dated 18th August, 2005, issued by the District Superintendent of Education, Godda, by which the services of petitioner have been terminated.

2. It appears that the respondents have terminated the services of petitioner on the ground that she was not qualified at the time of appointment, she having not passed the Teachers' Training Examination.

3. Fact of the case is that pursuant to advertisement published by Jharkhand Public Service Commission in August, 2002, the petitioner applied for appointment as Primary Teachers. The petitioner was undergoing two years' Primary Teachers' Training Course from Ursuline Primary Teachers' Training College, Lohardaga. She having come out successful in the written test was appointed on 16th February, 2004. Later on, it having come to the notice of the respondents that she had not passed the Teachers' Training Examination at the time of appointment, her services have been terminated on the ground of illegal appointment.

4. From the mark-sheet of Primary Teachers' Training Examination issued by the

Jharkhand Academic Council, Ranchi (Annexure-13), it appears that the petitioner appeared in the Primary Teachers' Training Examination held in the month of December, 2004 i.e. after her appointment. Thus, admittedly, she was neither qualified on the date she applied for appointment, nor she was qualified on the date she was appointed, having not passed Teachers' Training Examination.

5. Learned Counsel for the petitioner submitted that the petitioner having completed the Teachers' Training of two years, should have been treated to be a trained teacher. But such submission cannot be accepted, as only after passing the Teachers' Training Examination, a person, can be treated to be a trained.

6. So far as payment of salary for the period is concerned, the petitioner is given liberty to approach the competent authority who will decide the claim by a reasoned order.

The writ petition is dismissed, but with aforesaid liberty.