
(2015) 11 JH CK 0031
In the Jharkhand High Court
Case No : W.P. (S) No. 2714 of 2014

Rajendra Rajak

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 03-11-2015

Acts Referred:

Citation : (2015) 4 AJR 757

Hon'ble Judges : Prashant Kumar, J.

Bench : Single Bench

Advocate : Jorong Jedan Sanga, for the Appellant; Atanu Banerjee, G.A., for the Respondent

Final Decision : Dismissed

Judgement

Prashant Kumar, J.—In the instant writ application, petitioners have prayed for a direction commanding the Respondents to allow the petitioners to continue as para teacher, as they were appointed on that post by the Gram Shiksha Samiti. Petitioners further prayed for a direction commanding the Respondents to pay honorarium to the petitioners since they were appointed as para teacher by the Gram Shiksha Samiti. It appears that petitioner No. 1 who was appointed as para teacher by the Gram Shiksha Samiti by resolution dated 28.08.2003 in Upgraded Middle School, Beko in place of one Rajendra Rajak, who was appointed as co-ordinator of C.R.C.C. In the said resolution it is specifically mentioned that appointment of petitioner No. 1 as para teacher is purely temporary and his appointment will automatically cancelled when aforesaid Rajendra Rajak again joins the school as teacher.

2. Likewise petitioner No. 2 had also been appointed by the Gram Shiksha Samiti vide resolution dated 11.07.2003 in Upgraded Middle School, Keshwari in place of Shiv Lal Mandal, the headmaster of the said school, who was also appointed as coordinator. In the said resolution also it is specifically mentioned that the appointment of petitioner No. 2 will automatically cancelled once the headmaster namely Shiv Lal Mandal will again join the school.

3. It is an admitted position that aforesaid teachers, in whose places petitioner Nos. 1 and 2 were appointed as para teacher, had already rejoined in their respective posts. Under the said circumstance, as per the terms and conditions of appointment, petitioners' services terminated. In that view of the matter, I find that petitioners have no legal right to continue on the post of para teacher after the rejoining of the original incumbent. Thus, no writ of mandamus can be issued in favour of petitioners. Accordingly, this writ application is dismissed.