
(2003) 04 JH CK 0039

In the Jharkhand High Court

Case No : Contempts (C) Case No's. 386 and 503 of 2002

Sabir Ansari

APPELLANT

Vs

Ranchi University and Others
 Dr. Sushila Saha Vs
State of Jharkhand and Others

RESPONDENT

Date of Decision : 18-04-2003

Acts Referred:

Citation : (2004) 1 JCR 671

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

Bench : Single Bench

Advocate : M.S. Anwar and K.P. Choudhary, for the Appellant; M. Khan and R. Krishna and SC-II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—In pursuance of Court's order an affidavit has been filed on behalf of the Secretary, Higher Education, Govt. of Jharkhand, Ranchi wherein following statement has been made.

"That the deponent personally appeared before this Hon''ble Court on 17.4.2003 along with a list of teaching and non- teaching employees in respect to all 12 newly converted constituent Colleges (4th phase) falling under Ranchi University, Vinoba Bhave University and Sindhu Kanhu University which are as follows:--

1. A.B.M. College, Jamshedpur.
2. B.N. Jalan College, Sisai.
3. K.C.B. College, Bero.
4. Mandar College, Mandar.
5. P.P.K. College, Bundu.
6. S.S.J.N. College, Garhwa.
7. A.C. Rajdhwnwar.

8. Chas College, Chas.
9. R.K Mahila College, Giridih.
10. Markham College of Commerce, Hazaribagh.
11. Millat College, Parsa and
12. B.S.K. Barharwa.

That I say that the list of teaching and non-teaching employees have been prepared under the following categories--

I Such teaching and non-teaching employees working against sanctioned posts prior to 30.4.1986.

II Teaching and non-teaching employees working against recommended posts, recommended by the University to the State Government prior to 30.4.1986.

III Teaching and non-teaching employees working on the date of take over against unsanctioned posts.

That I say that a 4th category of persons claiming to be working in one or other of the 12 (newly converted constituent Colleges) (4th phase) but in whose regard no evidence could be found about their working prior to; the cut off date as 30.4.1986 and for S.S.J.N. College, Garhwa as 31.3.1987

That I say that for each category I, II and III of teaching staff as mentioned above, the tabulated list contain 18 columns of which column Nos. 1 to 15 relates to basic data of the individual teachers concerned whereas column 16 is for "fit for absorption, column 17 gives "reasons for not absorbing" and column 18 is remarks column.

Similarly, for non-teaching staff to Category I, II, III columns 14 reflects the basic factual data of the individual concerned and column 15 to 17 relates to certain critical remarks showing their service status.

That I further state and submit that after series of discussions, final proceeding of the meeting held on 16.4.2003 in the Human Resources . Development Department between the Secretary and Director, Higher Education and Registrars of Ranchi University, Ranchi, Vinoba Bhave University, Hazaribagh and S.K. University, Dumka were drawn up. They signed proceedings of the meeting dated 16.4.2003 is enclosed herewith."

In the enclosure Annexure-B the details status of some of the petitioners of contempt cases have been shown as quoted hereunder :

Sl. No.	Contempt Case No.	Petitioners name	College in which Working is claim	Status	Remarks
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1.	Cont./Cv. 386/2002	Sri Sabir Ansari	Mandar College	Mandar	
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Working against Recommended/ Unsancioned Post prior to 30.04.86

He belongs to Category III No Evidence of payment prior to 30.4.86

2. Cont./Cv. 413/2002 Sri Deepnarayan Jashwal PPK College, Bundu

No evidence of Work or payment Record is found Prior to 30.4.86

He belongs to the Fourth category with no evidence of work nor payment prior to cut-off date.

3. Conl/Cv. 503/2002 Sushila Sana K.C.B. College Bero

Working against Unsancioned Post prior to cut-off date i.e. 30.4.86

She belongs to Category III. No evidence of payment prior to 30.4.86.

4. Cont./Cv. 644/2002 Sri Hans Kumar PPK College, Bundu

No evidence of work or payment Record is found prior to 30.4.86

He belongs to the Fourth category with no evidence of work nor payment prior to cut-off date.

5. Cont./Cv. 818/2002 Sri Amresh Kumar PPK College, Bundu

No evidence of work or payment. Record is found prior to 30.4.86

He belongs to the Fourth category with no evidence of work nor payment prior to cut-off date.

2. So far as Contempt Case No. 636/2002 Nawangi Bhut Mahavidhyalaya Shikshak Evam Shikshaketar Karamchari Sangharsh Morcha and Ors. v. Sri N.N. Pandey, Commission-cum-Secretary, High Education, Human Resources, Department of Jharkhand and Ors., is concerned, no details in respect to 85 petitioners have been shown for the present.

3. In the circumstances, in respect of petitioners of two of the cases namely Contempt Case No. 386/2002 (Sabir Ansari) and Contempt Case No. 503/2002 (Dr. Sushila Saha) there being no dispute, the State Government is directed to release fund for payment of salary in favour of aforesaid petitioner (Sabir Ansari and Dr. Shushila Saha) within one month from the date of receipt/production of a copy of this order and the Universities in their turn is directed to pay the dues within fifteen days thereof failing which this Court may proceed in the matter. They will also pass a reasoned order as per this Court's order, if required but not yet passed.

4. The salary to be paid as per the interim order passed by the Hon"ble Supreme Court on 12th October, 2001 in Civil Appeal No. 6098/1997.

5. The Contempt Application No. 386/2002 & 503/2002 stands disposed of,