

(2014) 10 JH CK 0007

In the Jharkhand High Court

Case No : W.P. (S) Nos. 251 and 711 of 2014

Sanjay Kumar Singh

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 08-10-2014

Acts Referred:

Citation : (2015) 1 JLJR 232

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Amit Kr. Tiwary, Advocate for the Appellant; Shadab bin Haque, JC to GP-I and Manoj Kumar Choubey, JC to SC-III, Advocate for the Respondent

Judgement

Aparesh Kumar Singh, J.

I.A. Nos. 554/2014 & 1516/2014

1. In both the writ petitions, common grievance of the petitioners who are Assistant Teachers in Primary/Elementary Schools in the district of Lohardaga, is that they were entitled to promotion to Grade-I from the date of their joining as they had acquired the necessary teachers' training qualification during course of their service. Petitioners had relied upon a judgment rendered in the case of Aran Sinha & others v. The State of Jharkhand & others in WPS No. 638 of 2006 and affirmed in LPA No. 214 of 2008. It is their case that they were appointed in the year 1994 and had got teachers training qualification in the year 2002 but not on account of any fault on their part, rather on account of delay in sending them for such teachers' training by the respondent authorities.

2. On an earlier occasion, counsel for the respondent State were allowed time to seek instruction and file counter affidavit in the matter. The matter remained inconclusive after earlier affidavit filed on behalf of the District Superintendent of Education, Lohardaga. Thereafter, again time was allowed on 03rd September 2014 also observing that the Director, Primary Education, Human Resources Development Department, Government of Jharkhand should look into the matter.

Thereafter, the District Superintendent of Education, Lohardaga has filed an affidavit on 17th September 2014 in both the cases enclosing orders dated 6th September 2014 and 9th September 2014 respectively whereunder, all the 07 petitioners in WPS No. 251/2014 and 24 petitioners in WPS No. 711/2014 have been granted promotion in Grade-I and Grade-II from the respective dates of then-joining and continuous service of twelve years respectively.

3. However, learned counsel for the respondent State, upon instruction from the Director, Primary Education, submits that the matter relating to grant of Grade-I pay scale to untrained teachers who were appointed in the year 1987, 1988, 1993, 1999 and 2000 is under active consideration of Government including Finance Department. It is therefore submitted that the benefits of such promotion would be extended to the petitioners upon taking such a decision and for which, they have prayed for two months time in view of the ensuing election that may occur and other holidays intervening. In these circumstances, it is submitted on behalf of the learned counsel for the State that the order of promotion enclosed to the supplementary counter affidavit of the District Superintendent of Education, Lohardaga, would be given effect to consequent upon the general decision taken by the Directorate of Primary Education.

4. Learned counsel for the petitioners submits that in similar circumstance, on the basis of the decision of the District Education Establishment Committee which is the competent authority, similar benefits have been granted to the other similarly situated employees/Assistant Teachers and other writ petitions such as WPS No. 5525/2013 [Nagendra Kumar Tiwary & Ors v. The State of Jharkhand & Ors.] have been disposed of. It is therefore prayed that the present writ application may also be disposed of directing the concerned competent authority to accord consequential benefits of such promotion.

5. Having heard learned counsel for the parties and in the aforesaid state of facts, it appears that the District Superintendent of Education, Lohardaga has issued orders relating to grant of promotion to the individual petitioners, as per orders dated 6th September 2014 and 9th September 2014 respectively, referred to herein-above, in Grade-I reckoning their services from the date of their joining on the post of Assistant Teachers and in Grade-II for continuous service of twelve years. Having considered the request made on behalf of the State respondents, the matter is being disposed of by directing the concerned authorities to arrive at a final decision in relation to payment of consequential benefits arising out of such promotion within a period of ten weeks from the date of receipt of a copy of this order.

6. Learned counsel for the petitioners also pointed out that consequent upon grant of such Grade-I and Grade-II promotion, individual petitioners may also be entitled to promotion to Grade-IV post in view of the judgment rendered in the case of Awadh Bihari Mishra & Ors. v. The State of Jharkhand & Ors [WPS No. 5465/2007] as well.

7. Be that as it may, for the claim relating to the promotion to Grade-IV in respect of individual petitioners, petitioners may represent before the respondent No. 4- Deputy Commissioner, Lohardaga and Respondent No. 5- District Superintendent of Education, Lohardaga for redressal of the same, which may be considered within a reasonable time preferably ten weeks thereafter.

Both the writ petitions stand disposed of accordingly. Both I. As also stands disposed of.