
(2016) 01 JH CK 0196
In the Jharkhand High Court
Case No : WP(S) No. 5854 of 2015

Saroj Kumar Sinha

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 18-01-2016

Acts Referred:

Citation : (2016) 01 JH CK 0196

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : A.K. Tiwari, for the Appellant; S. Khan, for the Respondent

Final Decision : Disposed off

Judgement

Aparesh Kumar Singh, J.—1. The grievance of the petitioner is in relation to grant of Grade-I scale from the date of his joining and consequent seniority on obtaining teachers training qualification during course of his service as Assistant Teacher in elementary school in the district of Ranchi. Petitioner is said to have been appointed in 1999 and obtained the teachers training qualification in the year 2002.

2. Learned counsel for the petitioner submits that the issue at hand is covered by the Resolution dated 14.12.2015 issued by the Directorate of Primary Education, Department of School Education and Literacy, Government of Jharkhand in line with ratio rendered by this Court in the case of Arun Sinha v. State of Jharkhand & others in WPS No. 638/2006 upheld up to the Apex Court. It is further submitted that on the basis of said resolution this Court has been pleased to dispose of batch of writ petitions led by WPS No. 2547/2014 (Sunil Kumar Bhagat & others v. The State of Jharkhand others) and other analogous cases. The instant matter may, therefore, be disposed of for consideration of the claim of the petitioner also on similar lines.

3. Learned counsel for the respondent-State submits that instructions have not been received in the matter. He also submits that such claim relating to grant of

Grade-I scale from the date of joining in elementary school raised by the teachers is governed by Resolution as aforesaid issued by the State Government, relevant extract of which is also quoted in the judgment passed in the case of Sunil Kumar Bhagat (supra). In that event petitioner's claim can also be examined by the concerned District Authorities to come to a conclusion whether he is entitled to the benefit of Grade-I scale from the date of joining.

Having regard to the aforesaid facts and submissions made, since issue at hand also appears to be in relation to the same grievance of Grade-I scale from the date of his joining and consequent seniority and is guided by the relevant Circular of the State dated 14.12.2015, the instant writ petition is also disposed of in similar terms. Para-9 of the judgment in the case of Sunil Kumar Bhagat (Supra) is quoted hereunder for better appreciation.

"9. This issue relating to seniority from the date of initial joining and grant of Grade-I scale to the Assistant Teacher in Primary school has engaged the attention of this Court in several matters. The respondent- State has in due deference to the ratio laid down in the case of Arun Sinha & others (supra) now taken a policy decision to grant the said benefit as per the terms of the said resolution quoted herein above to individual incumbents. It would now be proper that the cases of individual petitioners who fall within the terms of the resolution dated 14.12.2015, quoted herein above, be considered by the respondents- District authorities. The District Superintendent of Education of respective districts would examine the individual cases as per the procedure laid down by placing the matter before the District Education Establishment Committee for taking an informed decision in respect of individual claims in accordance with law and the aforesaid policy decision within a reasonable time, preferably 16 weeks from the date of receipt of copy of this order."

4. This writ petition stands disposed of accordingly.