
(2011) 08 SHI CK 0116
In the High Court Of Himachal Pradesh
Case No : LPA No. 227 of 2011

State of H.P. and Others

APPELLANT

Vs

Vijay Kumari

RESPONDENT

Date of Decision : 03-08-2011

Acts Referred:

Citation : (2011) 08 SHI CK 0116

Hon'ble Judges : Kurian Joseph, C.J;Rajiv Sharma, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.

CMP (M) No. 750/2011

Heard. The delay in filing the appeal is condoned. The Application stands disposed of.

LPA No. 227/2011

1. This Letters Patent Appeal has been preferred by the Appellants against the judgment dated 4.1.2011 of the learned Single Judge rendered in CWP (T) No. 8965/2008.

2. Case of the Respondent, in a nutshell, was that the Volunteer Teachers, who had completed five years service, were entitled to grant of special J.B.T. certificate and thereafter to be recruited as J.B.T. Teacher. Respondent joined on 5.3.1992. She had completed requisite period of five years on 4.3.1997. However, certificate was not issued to her immediately after completion of five years i.e. 4.3.1997. The prayer of the Respondent for issuance of special J.B.T. certificate was rejected primarily on the ground that she had passed her matriculation from Bihar School Examination Board and secondly she had not secured pass marks in English subject in that examination. Case of the Respondent was that since her father was posted in Bihar she has passed

matriculation from Bihar School Examination Board.

3. As far as the objection with regard to securing of 60 marks out of 200 marks in the subject of English is concerned, there was shortage of only 3% marks. According to Regulation 8, there was provision for relaxation upto 5%. However, Respondent by way of abundant precautions has also appeared in English subject from the H.P. Board of School Education in the year 2002 and has obtained the requisite percentage of marks. She was awarded the special J.B.T. certificate with effect from 24.11.2000 instead of 5.3.1997. The 3 learned Single Judge has considered all the pleas raised by the Respondent as well as Appellants in right perspective.

4. Consequently, we see No. reason to interfere with the well reasoned judgment of the learned Single Judge whereby he has directed the Appellants to grant special J.B.T. certificate to the Respondent with effect from 5.3.1997 instead of 24.11.2000.

5. Accordingly, there is No. merit in the Letters Patent Appeal and the same is dismissed with no. order as to costs. Pending application, if any, also stands disposed of.