

District Superintendent of Education Vs. Krishna Kumar and Ors

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Court : Jharkhand

Decided On : Jan-13-2015

Appellant : District Superintendent of Education

Respondent : Krishna Kumar and Ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI L.P.A. No. 384 of 2013
District Superintendent of Education, East Singhbhum, P.O. And P.S. Sakchi, Jamshedpur, District East Singhbhum Respondent No.7/Appellant Versus 1. Krishna Kumar, son of Sakaldeep Singh, at present posted as a B.Sc. Trained teacher in Bengal Muslim, Sitaramdera, P.S. Sitaramdera, District East Singhbhum, resident of Harhargutta, P.O. And P.S. Tatanagar, District East Singhbhum 2. Tapan Kumar Giri son of Sri Gaur Baran Giri, at present posted as a B.Sc. Trained teacher in Prakhan Mukhyalaya Hindi Middle School, Baharagora, P.S. Baharagora, District East Singhbhum, resident of Ichrasole, P.O. and P.S. Baharagora, District East Singhbhum 3. Swapan Kumar Banerjee son of Late Amal Krishna Banerjee, at present posted as a B.Sc. Trained teacher Shatrughan Middle School, Narsinghgarh, Dalbhumgarh, P.O. and P.S. Dalbhumgarh, District East Singhbhum, resident of Narsinghgarh, P.O. and P.S. Dalbhumgarh, District East Singhbhum 4. Prama Nand Das son of Sri P.C. Das, at present posted as a B.Sc. Trained teacher in Mural Middle School, Chakulia, P.S. Chakulia, District East Singhbhum, resident of village Kumardih, P.O. And P.S. Barsol, District East Singhbhum 5. Bholu Jha son of Late Ramchandra Jha, at present posted as a

B.Sc. Trained teacher in Pathargora Middle School, Mosabani, P.S. Mosabani, District East Singhbhum, resident of Ghatshila, P.O. and P.S. Ghatshila, District East Singhbhum 6. Debashish Ghosh son of Sri Bhuta Nath Ghosh, at present posted as a B.Sc. Trained teacher in Ghuahaldengra Middle School, P.O. And P.S. Chakulia, District East Singhbhum, resident of Barsole, P.O. and P.S. Ramchandrapur, District East Singhbhum.

7. Tapan Kumar Panda son of Sri Bipil Bihari Panda, at present posted as a B.Sc. Trained teacher in Kerukocha Middle School, Chakulia, P.O. and P.S. Chakulia, District East Singhbhum, resident of Benda, P.O. Benda, P.S. Baharagora, District East Singhbhum 8. Dharma Pada Behra son of Late Bhola Nath Behra, at present posted as a B.Sc. Trained teacher, Khairpal, Middle School, Potka-2, P.S. Haldipokhar, District East Singhbhum, resident of Sarjamda, P.O. Sarjamda, P.S. Parsudih, District East Singhbhum 9. Madhav Chandra Mandal son of Shankar Chandra Mandal, at present posted as a B.Sc. Trained teacher in Bamongara, Middle School, P.O. and P.S. Parsudih, District East Singhbhum, resident of Adardih, P.O. Adardih, P.S. Nimdih, District Seraikela Kharsawan -2- 10. Ashish Kumar Mandal son of Sri Nitya Nanda Mandal, at present posted as a B.Sc. Trained teacher in Middle School Gitilata, Potka-1, P.S. Potka, District East Singhbhum, resident of Putlupung, P.O. Chakri, P.S. Potka, District East Singhbhum 11. Prashant Kumar Ghosh son of Late Jadunandan Ghosh, at present posted as a B.Sc. Trained teacher in Middle School Musaboni-1, P.O. and P.S. Musaboni, District East Singhbhum, resident of Dahigora, P.O. and P.S. Ghatsila, District East Singhbhum 12. Mihir Kumar Mahto son of Sri Adhar Chandra Mahato, at present posted as a B.Sc. trained teacher in Mahulia Bangala Middle School, P.O. Mahulia, P.S. Galudih, District East Singhbhum, resident of village Dahigora, P.O. and P.S. Ghatshila, District East Singhbhum 13. Anand Kumar Ghosh son of Late Khetra Mohan Ghosh, at present posted as a B.Sc. Trained teacher in Middle School, Muturkham, P.O. and P.S. Chakulia, District East Singhbhum, resident of Kashid, P.O. and P.S. Ghatshila, District East Singhbhum.

14. Nirmal Kumar Das son of Late Radha Kant Das, at present posted as a B.Sc. trained teacher in Bhalki Middle School, Dhalbhumgarh, P.O. and P.S.,

Dhalbhumgarh, District East Singhbhum, resident of Baragariya, P.O. Baragaria, P.S. Baharagora, District East Singhbhum 15. Kailash Chandra Mahato son of Late Ramesh Chandra Mahato, at present posted as a B.Sc. trained teacher in Middle School Karandih, P.O. and P.S. Parsudih, District East Singhbhum resident of Holudboni, Namatola, P.O. Tatanagar, P.S. Parsudih, District East Singhbhum 16. Motilal Shaw son of Late Bhubati Charan Shaw, at present posted as a B.Sc. trained teacher in Middle School Amda, P.O. And P.S. Dhalbhumgarh, District East Singhbhum, resident of Rajlaband, P.O. and P.S. Baharagora, District East Singhbhum.

17. Bisheshwar Kuila son of Late Prithwi Nath Kuila, at present posted as a B.Sc. trained teacher in Haldajuri Middle School, P.O. and P.S. Dhalbhumgarh, District East Singhbhum, resident of Baharagora, P.O. and P.S. Baharagora, District East Singhbhum.

18. Prabhati Mishra daughter of P.N. Mishra, at present posted as a B.Sc. trained teacher in Nildih Middle School, P.O. And P.S. Nildih, District East Singhbhum, resident of 602, Samsher Tower, Block-B, Kharanggahard, P.O. And P.S. Telco, District East Singhbhum Petitioners/Respondents 19. State of Jharkhand.

20. The Principal Secretary, Human Resources Development Department, Government of Jharkhand, Ranchi, P.O. And P.S. Ranchi, District Ranchi.

21. The Special Secretary-cum- Director, Primary Education, Jharkhand, Ranchi, P.O. & P.S. Ranchi, District Ranchi.

22. The Regional Deputy Director of Education, Kolhan Division, Jamshedpur, P.O. and P.S. Jamshedpur, District Singhbhum East. -3- 23. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, East Singhbhum, Jamshedpur, P.O. and P.S. Jamshedpur, District Singhbhum East.

24. The Deputy Secretary, Human Resources Development Department, Government of Jharkhand, Ranchi, P.O. and P.S. Ranchi, District Ranchi.

25. District Education Officer, East Singhbhum, Jamshedpur, P.O. and P.S. Jamshedpur, District Singhbhum East. respondent nos. 1 to 6 and 8/

Proforma respondents ----- CORAM: HON'BLE MR. JUSTICE D.N. PATEL
HON'BLE MR. JUSTICE PRAMATH PATNAIK ----- For the Petitioner: Mr. Ashish
Kr. Shekhar For the Respondents: M/s J.

Mazumdar ----- 08/Dated 13th January, 2015 Per D.N.Patel,J.

1. Counsel appearing for the appellant State submitted that the teachers who are graduate with no B.Ed. degree at the time of appointment are known as Graduate Untrained teachers and were entitled to the pay-scale of Rs. 680-965/- and after completion of in service training and after issuance of certificate to that effect they would be known as Graduate Trained Teachers and would be entitled to the basic of Rs.730-1080/-, whereas another type of teachers are those who have graduate degree as well as B.Ed. degree at the very beginning. They are known as Graduate Trained Teachers and as they are from the very beginning trained teachers, they were entitled to the pay scale of Rs.850-1360/-. Thus, it may appear that there are two categories of Graduate Trained Teachers working in the schools, but there will be difference in their cases. Those, who are graduate trained teachers, i.e. the Graduate teachers having B.Ed. degree from the very beginning and the other category of teachers, who are graduates and untrained in the beginning, but acquired in-service training. Due to this reason there was a difference between their pay-scales. This is a valid classification based upon a sound logic that graduate trained teachers from the very beginning has an edge over those graduates who were untrained at the time of getting their jobs and who subsequently got in-service training. -4- 2. Having heard both sides and looking to the contentious issues involved, this Letters Patent Appeal is admitted.

3. Counsel for the respondents waives Notice of Admission on behalf of the respondents. (D.N.Patel, J.) (Pramath Patnaik, J.) s.m.

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