

Pradeep Kumar Singh Vs. the State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Jul-03-2008

Reported in : [2008(3)JCR462(Jhr)]

Judge : R.K. Merathia, J.

Appellant : Pradeep Kumar Singh

Respondent : The State of Jharkhand and ors.

Judgement :

R.K. Merathia, J.

1. Heard the Parties finally.

Initially, petitioner sought direction for payment of salary since 25.2.1989. During pendency of the writ petition, the approval of the petitioner's appointment has been refused by order dated 11.2.2008 by the Director, Secondary Education, Government of Jharkhand, Ranchi, which has also been challenged by way of amendment petition (I.A. No. 718 of 2008).

2. It appears that petitioner was appointed by the Managing Committee of PunjabiKanya Uchh Vidyalaya, Agrico, Jamshedpur (respondent No. 5), sometime in the year 1982 after notifying requirement on the notice board and after holding interview. He got trained on or about 25.02.1989. Then the District Education

Officer by letter dated 31.2.1989 forwarded his name to the Director, Secondary Education, Bihar, Patna for approving his services. By letter dated 31.12.1990, the Director, Secondary Education, forwarded the petitioner's name to the Vidyalaya Seva Board, Patna, but no order either approving or disapproving the appointment of petitioner was passed. Now during the pendency of this writ petition the said order dated 11.2.2008 has been passed by the Director, Secondary Education, Government of Jharkhand, Ranchi refusing to approve petitioner's appointment on the ground that he was not appointed after following the due procedure.

3. In my opinion, at best it can be said to be a case of irregularity and not illegality and therefore, petitioner's case for approval of his appointment requires reconsideration.

4. In the circumstances, the impugned order dated 11.2.2008 is set aside and the matter is remitted back to the Director, Secondary Education, Government of Jharkhand, Ranchi (respondent No. 3) to reconsider the matter of approval of the services of petitioner. He will call for the relevant records from the Managing Committee of the School and the District Education Officer. After looking into the records, he will pass a reasoned order in accordance with law as early as possible and preferably within a period of two months from the date of receipt/production of a copy of this order.

5. If the appointment of the petitioner is approved, he will also pass order with regard to payment of arrears/current salary for the period he actually worked, which will be paid to the petitioner as early as possible and preferably within a period of four weeks thereafter.

6. With these observations and directions, this writ petition is disposed of.