

Krishna Kumar Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Apr-20-2004

Reported in : [2005(1)JCR385b(Jhr)]

Judge : Amreshwar Sahay, J.

Acts : Service Law; [Constitution of India](#) - Article 226

Appeal No. : W.P. (S) No. 2529 of 2002

Appellant : Krishna Kumar

Respondent : State of Jharkhand and ors.

Disposition : Application allowed

Judgement :

ORDER

Amreshwar Sahay, J.

1. Heard the parties. .

2. The prayer of the petitioner in this writ application is for direction to the respondents to pay the arrears of salary as well as current salary of the petitioner, which have not been paid from February, 1999.

3. The petitioner is an Assistant Teacher working in a religious minority institution, namely, St. Agnes Girls High School, Itki. A similar matter on facts came before this Court in WP (S) No. 2419 & 2518 of 2001 which was disposed of on 7.3.2002. In Paragraph 2 and 3 of the said order passed by this Court in the aforesaid writ application is relevant and, as such, are being quoted hereinbelow :

'This Court after hearing the writ application at the initial stage passed an order on 24.9.2001 observing that if the fund has already been released by the State of Jharkhand to the District Education Officer, they shall make payment at least of current salary. The petitioners have filed a supplementary affidavit on 9.9.2001 stating, inter alia, that the Govt. has taken a decision for payment of current salary of the teachers of the Minority School notwithstanding the fact that their services have not been approved by Vidyalaya Seva Board. The Govt. has also constituted a committee to make necessary inquiry /verification with regard to the validity of appointment of the teachers in the recognized Minority School, so that after obtaining necessary approval. from the Vidyalaya Seva Board, arrears of salary could be released to the teachers of the Minority School. A copy of the press statement of the Chief Minister and the letter dated 30.3.2001 issued by the Human Resources Development Deptt., Govt. of Jharkhand have been annexed as Annexures 13 and 14 to the Supplementary Affidavit. Learned counsel produced before me a copy of the order dated 20.10.2001 issued by the order of the Governor constituting a committee for the inquiry and approval of appointment of the teachers.

Having regard to the steps taken by the Govt., I direct the committee so constituted to complete the inquiry and obtain approval of appointment of the teachers as expeditiously as possible and preferably within a period of four months from today. After such decision the respondents shall release the arrears of salary to those teachers, whose appointment have been approved by the committee, within a period of 30 days from the date of approval. If the committee fails to take a final decision of approval within the aforesaid period or within the period that may be extended by this Court, the teachers of different Minority Schools shall entitled to get all their arrears of salary forthwith.'

4. From perusal of the aforesaid quoted order, it appears that the Govt. of Jharkhand has taken a stand that for verification of the fact that as to whether the validity of appointment of the teachers of a recognised minority school was approved by the School Seva Board or not, a committee has been constituted by issue of Notification and by approval of the Government of Jharkhand. Accordingly, this Court directed to complete the enquiry and obtain approval of the appointment of all those teachers working in a minority school whose services have not been approved by Bihar School Service Board within a period of four months from the date of the order. It was clearly directed in the said order that if the Committee fails to complete the enquiry with regard to the aforesaid approval of the services of the teachers within the specified time, the teachers of 'different minority school' shall be entitled to get the arrears of salary forthwith. The said order has become final and, therefore, in my view, the teachers of all the minority institutions whose services have not been approved by the School Services Board are entitled to get their arrears of salary from the date, it is due.

5. Accordingly, relying on the said decision of this Court I allow this application and direct the respondent No. 2. The Director, Secondary Education, Human Resources Development Department, Govt. of Jharkhand at Ranchi to pay the arrears of salary forthwith to the petitioner, if the said Committee has not decided already otherwise.

6. With the above observation and direction, this application is allowed.