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Ajit Kumar Singh Vs. State of Jharkhand

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Court : Jharkhand

Decided On : Aug-03-2015

Appellant : Ajit Kumar Singh

Respondent : State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 869 of 2012 --- Ajit Kumar Singh, son of Shri Kapil Deo Singh resident of Village - Belabagan, P.O. + P.S. - Devipur, District - Deoghar Petitioner Versus 1. The State of Jharkhand 2. The Secretary, Human Resources Development Department, Government of Jharkhand, Telephone Bhawan, H.E.C., Dhurwa, P.O. - Dhurwa, P.S. - Jagannathpur, District - Ranchi 3. The Director, Primary Education, Government of Jharkhand, Ranchi 4. The Jharkhand Education Project Council, through its Project Director, Shyamali Colony, P.O. + P.S. - Doranda, District - Ranchi 5. The Deputy Commissioner-cum-President, Jharkhand Education Project, Deoghar, P.O. + P.S. + District - Deoghar.

6. The District Superintendent of Education-cum-District Programme Officer, Jharkhand Education Project, Deoghar, P.O.+ P.S. + District - Deoghar.

7. The Block Education Committee, Block-Devipur, through Block Development Officer, Devipur, P.O. + P.S. - Devipur, District - Deoghar 8. The Block Education Extension Officer-cum- Secretary, Block Education Committee, Devipur, P.O. + P.S. - Devipur, District - Deoghar 9. The President and Secretary of Utkramit

Primary School, Jamunia Tanr. Block - Devipur, P.O. + P.S. - Devipur, District - Deoghar Respondents --- CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY --- For the Petitioner : Mr. R. A. Chamaria, Advocate For the J.A.C. : Mr. Saurav Arun, Advocate For the State : Mr. Prem Pujari, J.

C. to G. A. --- C.A.V. On 31/07/2015 Pronounced on 3/08/2015 In this writ application, the petitioner has prayed for a direction upon the respondents to pay the dues to the petitioner on account of his discharging his duties as a Para Teacher in Upgraded Primary School, Jamuniatar, Devipur Block from 21st October, 2009 till date.

2. An advertisement was issued dated 13.06.2009 for which applications were invited for the post of Para Teacher in Upgraded Primary School, Jamuniatar, Devipur Block in the district of Deoghar pursuant to which the petitioner had also applied for the said post. In the meeting held by the Village Education Committee several aspirants alongwith the petitioner had appeared but the petitioner was selected -2- and he was appointed as a Para Teacher in the said school on 19.10.2009. Since the petitioner was not being paid his remuneration/honorarium from 21.10.2009 the petitioner approached the competent authorities and had also submitted the attendance register but no action has been taken by the authorities for redressal of his grievance resulting in the petitioner preferring the present writ application.

3. Heard Mr. R. A. Chamaria, learned counsel appearing for the petitioner, Mr. Saurav Arun, learned counsel appearing for the Jharkhand Education Project Council and Mr. Prem Pujari, learned J.

C. to G. A.

4. Mr. Chamaria, learned counsel appearing for the petitioner submits that although the petitioner was validly appointed by the Village Education Committee vide Memo No. 231 dated 19.10.2009 but the petitioner had never been paid his dues although the petitioner still continues to work as a Para Teacher in Upgraded Primary School, Jamuniatar, Devipur Block. It has further been submitted that the petitioner has given representations to the authorities with respect to his claim but

since the authorities have not taken any action in the matter a direction be issued from this Court to dispose of the representation submitted by the petitioner.

5. Mr. Saurav Arun, learned counsel appearing for the respondent- Jharkhand Education Project Council has submitted that the Rules and Guidelines have been issued on 21.12.2005 in which it has been clarified that for selection of a Para Teacher by Village Education Committee it is mandatory for a nominated representative of the District Superintendent of Education to be present in the said meeting.

6. Mr. Prem Pujari, learned J.

C. to G. A., on the other hand, has submitted that the validity or otherwise of the meeting of the Aam Sabha for which the petitioner claims himself to have been selected itself is doubtful as no representative from the State Government was present which is contrary to the norms and guidelines for selection of a Para Teacher. It has further been submitted that the petitioner is banking upon a memorandum issued by the Managing Committee of -3- the School but the same does not have the seal of approval of the Block Level Education Committee and, therefore, since the appointment of the petitioner is clouded in dispute the question of making payment of remuneration/honorarium to the petitioner does not and cannot arise.

7. During the course of argument a query was repeatedly putforth to the learned counsel for the petitioner with respect to bringing on record the letter of appointment/agreement entered into between the petitioner and the committee in order to seek some justification in the claim of the petitioner. However, the learned counsel for the petitioner has failed to submit such document, rather he has based his claim on the letter as contained in Memo No. 231 dated 19.10.2009 issued by the Managing Committee of the School. The said letter does not substantiate the claim of the petitioner that he was validly and legally selected and appointed as a Para Teacher in Upgraded Primary School, Jamuniatar, Devipur Block. Moreover, nothing has been brought on record by the petitioner to suggest that the selection of the petitioner in Aam Sabha by the Village Education Committee was subsequently approved by the Block Level Education Committee. Merely relying

on a purported letter of appointment issued by the Managing Committee of the School will not convince this Court that the petitioner had been validly appointed as a Para Teacher. It further appears from Annexure - D to the counter affidavit filed on behalf of the respondents-State that on 29.03.2010 a meeting of the Village Education Committee was held for selection of a Para Teacher in various Schools but the name of the petitioner does not figure in the list of approved candidates of Block Devipur. In such circumstances, there apparently being a cloud over the selection/non-selection of the petitioner as a Para Teacher in Upgraded Primary School, Jamuniatar, Devipur Block the question of payment of remuneration/honorarium to the petitioner on account of his purported rendering services from 21.10.2009 is not tenable in the eye of law and, accordingly, there being no merit in this writ application, the same is, hereby, dismissed. (R. Mukhopadhyay, J.) Umesh/-

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