

Jitendra Kumar Singh and Ors Vs. Human Resources Department

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Court : Jharkhand

Decided On : Dec-18-2015

Appellant : Jitendra Kumar Singh and Ors

Respondent : Human Resources Department

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S). No. 6135 of 2014
1.Jitendra Kumar Singh 2.Md. Riazuddin Khan 3.Tarkeshwar Singh 4.Santosh Kumar 5.Rabi Shankar 6.Ajay Kumar Mehta 7.Mathura Hazam 8.Subash Kumar 9.Yogendra Ram 10.Kundan Lal Sharma Petitioners Vrs. 1.State of Jharkhand through the Secretary, H.R.D, Govt. of Jharkhand, Ranchi 2.The Secretary, Finance Dept., Govt. of Jharkhand, Ranchi 3.The Director, Primary Education, H.R.D Dept., Ranchi 4.The Regional Deputy Director of Education, North Chotanagpur Division, Hazaribag 5.The District Superintendent of Education (D.S.E.), Hazaribag 6.The Deputy Commissioner, Hazaribag Respondents with W.P.(S). No. 102 of 2015

1. Tirthanath Mahtha

2. Lalit Kumar

3. Veena Kumari

4. Ram Lakhan Sahu

5. Dawarika Sahu

6. Shar Dendu Kumar Singh

7. Surendra Ram

8. Naimudeen Ansari

9. Sanjay Kumar Sinha

10. Kumar Sujit Sinha

11. Jaynarayan Singh Petitioners Vrs. 1.State of Jharkhand through the Secretary, H.R.D, Govt. of Jharkhand, Ranchi

2. The Deputy Commissioner, Ramgarh 3.The Secretary, Finance Dept., Govt. of Jharkhand, Ranchi 4.The Director, Primary Education, H.R.D Dept., Ranchi 5.The Regional Deputy Director of Education, North Chotanagpur Division, Hazaribag 6.The District Superintendent of Education (D.S.E.), Ramgarh Respondents with W.P.(S). No. 147 of 2015

1. Satyendra Prasad

2. Shivesh Kumar Poddar

3. Sanjay Kishore Poddar

4. Abdul Latif

5. Pradeep Kumar Singh

6. Anil Kumar Agrawal

7. Sanjay Kumar Sinha

8. Salamul Haque -2-

9. Atikur Rahman

10. Sohan Lal Mahto

11. Gyani Kumari Petitioners Vrs. 1.State of Jharkhand through the Secretary, H.R.D, Govt. of Jharkhand, Ranchi

2. The Deputy Commissioner, Ramgarh 3.The Secretary, Finance Dept., Govt. of Jharkhand, Ranchi 4.The Director, Primary Education, H.R.D Dept., Ranchi 5.The Regional Deputy Director of Education, North Chotanagpur Division, Hazaribag 6.The District Superintendent of Education (D.S.E.), Ramgarh Respondents with W.P.(S). No. 164 of 2015 Sunil Kumar Ravidas Petitioner Vrs. 1.State of Jharkhand through the Secretary, H.R.D, Govt. of Jharkhand, Ranchi 2.The Secretary, Finance Dept., Govt. of Jharkhand, Ranchi 3.The Director, Primary Education, H.R.D Dept., Ranchi 4.The Regional Deputy Director of Education, North Chotanagpur Division, Hazaribag 5.The Deputy Commissioner, Ramgarh 6.The District Superintendent of Education (D.S.E.), Ramgarh Respondents with W.P.(S). No. 3401 of 2015

1. Anjay Kumar Agarwal

2. Satyendra Kumar Singh

3. Ram Kumar Sahu

4. Jai Nandan Singh

5. Mathura Mahto

6. Shekhar Chand Patel Petitioners Vrs.

1. The State of Jharkhand

2. The Director, Primary Education, Govt. of Jharkhand

3. The Secretary, Human Resource Department, Govt. of Jharkhand

4. Finance Secretary, Govt. of Jharkhand

5. Regional Director, Education, North Chhotanagpur Division, Hazaribagh

6. The Deputy Commissioner, Ramgarh

7. The District Superintendent of Education, Ramgarh

8. The Head Master -cum- Drawing and Disbursing Officer, Govt. Middle School, Argada, Ramgarh Respondents with W.P.(S). No. 3409 of 2015

1. Vinod Kumar Singh

2. Sunil Kumar -3-

3. Ajay Kumar

4. Anand Kumar Dubey

5. Surendra Lal

6. Avinash Ranjan Sinha

7. Anil Prasad

8. Avinash Prasad Sinha

9. Sanjay Kumar Pandey

10. Shailesh Kumar

11. Ashutosh Kumar

12. Shiv Balak Prasad

13. Anmol Kujur

14. Ajit Kumar

15. Arvind Kumar

16. Rajendra Kumar Dhanwar

17. Sri Ram Bhagat

18. Abhimanyu Bhagat
19. Ajay Bhagat
20. Mangra Oraon
21. Karamchand Bhagat
22. Laldeo Bhagat
23. Baban Kumar Singh
24. Dilip Kumar Singh
25. Rajesh Kumar Singh
26. Shankar Kumar Vidharthi
27. Bhajan Chakravorty
28. Sudama Rai
29. Ranjeeta Ekka
30. Dilip Bhagat
31. Shashi Bhushn Prasad
32. Ranbir Kumar
33. Kumar Kundan Mishra
34. Jai Krishna Kumar
35. Ashok Kumar
36. Manoj Kumar
37. Pramod Kumar

38. Sudama Singh
39. Shekh Kalim
40. Pradeep Kumar
41. Pradeep Kumar Bhagat
42. Arun Kumar Das
43. Rajesh Prasad Sinha
44. Ram Subhag Rai
45. Naresh Kumar Singh
46. Anil Kumar Choudhary
47. Navneet Kumar Gaur
48. Anup Kumar Choudhary
49. Seema Toppo
50. Rajeev Ranjan
51. Santosh Bhagat
52. Sanjeev Kumar
53. Shravan Kumar
54. Fulchand Toppo
55. Mahadeo Tana Bhagat
56. Manohar Toppo
57. Arvind Kumar Mishra

58. Subodh Lal Sahu

59. Jai Prakash Sahu

60. Dhruv Prasad Sahu

61. Anil Oraon -4-

62. Sarita Kujur

63. Ambika Kumari

64. Jaleshwar Bhagat

65. Arvind Kujur

66. Suprabha Rashmi Kujur

67. Sachidanand Sahu Petitioners Vrs.

1. The State of Jharkhand 2. The Director, Primary Education, Govt. of Jharkhand
3. The Secretary, Human Resource Department, Govt. of Jharkhand 4. Finance
Secretary, Govt. of Jharkhand 5. Regional Director, Education, North
Chhotanagpur Division, Hazaribagh 6. The Deputy Commissioner, Ramgarh 7.
The District Superintendent of Education, Ramgarh 8. The Head Master -cum-
Drawing and Disbursing Officer, Govt. Middle School, Argada, Ramgarh
Respondents with W.P.(S) No.3911 of 2015 1. Bipin Kumar Das 2. Nav Kumar
Das 3. Jaydhar Kumar Petitioners Vrs.

1. The State of Jharkhand & others 2. The Director, Primary Education, Govt. of
Jharkhand, Ranchi 3. The Secretary, H.R.D, Govt. of Jharkhand, Ranchi 4.
Finance Secretary, Govt. of Jharkhand, Ranchi 5. Regional Director, Education,
North Chhotanagpur Division, Hazaribag 6. The Deputy Commissioner, Lohardaga
7. The District Superintendent of Education, Lohardaga 8. The Head Master cum
Drawing and Disbursing Officer, Upgraded Middle School, Hesal, Lohardaga
Respondents with W.P.(S) No.3961 of 2015 1.Deo Kant Sharma 2.Ravi Kishore
Kumar 3.Rabindra Kumar 4.Ram Kishore Ram 5.Salim Ullah 6.Majharul Hasan

7.Jai Prakash Das 8.Umesh Prajapati Petitioners Vrs. 1.State of Jharkhand through the Secretary, H.R.D, Govt. of Jharkhand, Ranchi 2.The Secretary, Finance Dept., Govt. of Jharkhand, Ranchi 3.The Director, Primary Education, H.R.D Dept., Ranchi 4.The Regional Deputy Director of Education, North Chotanagpur Division, Hazaribag 5.The District Superintendent of Education (D.S.E.), Hazaribag 6.The Deputy Commissioner, Hazaribag -5- Respondents with W.P.(S) No.4280 of 2015 1. Bidhan Prasad Agarwal 2. Satish Kumar Pathak 3. Md. Abbas 4. Rajan Prasad Petitioners Vrs.

1. The State of Jharkhand 2. The Director, Primary Education, Government of Jharkhand, Ranchi 3. The Secretary, HRD Department, Ranchi 4. Finance Secretary, Government of Jharkhand 5. Regional Director, Education, North Chhotanagpur Division, Hazaribagh 6. The Deputy Commissioner, Lohardaga Respondents with W.P.(S) No.4621 of 2015 Smt. Sujata Singh Petitioner Vrs.

1. The State of Jharkhand 2. The Director, Primary Education, Government of Jharkhand, Ranchi 3. The Secretary, HRD Department, Ranchi 4. Finance Secretary, Government of Jharkhand 5. Regional Director, Education, North Chhotanagpur Division, Hazaribagh 6. The Deputy Commissioner, Dhanbad 7. The District Superintendent of Education, Dhanbad 8. The Head Master, Rajkiya Madhya Vidhalaya Dhैया (I.S.M. Campus), Dhanbad Respondents with W.P.(S) No.5006 of 2015 Ram Jitan Sahu Petitioner Vrs.

1. The State of Jharkhand 2. The Director, Primary Education, Government of Jharkhand, Ranchi 3. The Secretary, HRD Department, Ranchi 4. Finance Secretary, Government of Jharkhand 5. Regional Director, Education, North Chhotanagpur Division, Hazaribagh 6. The Deputy Commissioner, Lohardaga 7. The District Superintendent of Education, Lohardaga 8. The Head Master cum Drawing and Disbursing Officer, Govt. Middle School, Bhandra, Lohardaga Respondents -6- CORAM: HONBLE MR. JUSTICE APARESH KUMAR SINGH For the Petitioner : Mr. Lalit Kr. Singh & Mr. Ashutosh Mishra For the Respondents :

1. Mr. Abhay Prakash, J.C to G.A., 2. Mr. Pratyush Lala & Jyoti Nayan, J.Cs to G.P.IV3Mr. Yogesh Modi, J.C to Mr. Jai Prakash, AAG4 Mr. Ashish Kumar

Shekhar, J.C to G.P.VI5 Mr. Sumir Prasad, S.C.I6 Mr. Lalan Kr. Singh, J.C to G.P.1 7. Ms Amrita Banerjee, J.C to Sr. S.C.II8 Mr. Arbind Kumar, J.C to G.P.II0518.12.2015 Heard learned counsel for the parties.

2. In all these writ petitions, petitioners who are Assistant Teachers in Elementary Schools in the State of Jharkhand have sought benefit of Grade-I scale and seniority from their initial date of joining relying upon the judgment rendered in the case of Arun Sinha & others Vrs. State of Jharkhand & others in W.P.(S) No. 638 of 2006 and the judgment passed in L.P.A. No. 214 of 2008 preferred by the State of Jharkhand against the said judgment, which has subsequently been upheld by the Apex Court in S.L.P.(Civil) No. 5520-5522 of 2013 preferred by the State of Jharkhand vide judgment dated 8.3.2013.

3. According to the individual petitioners, they have obtained Teachers' Training qualification during the course of their service career and the delay in acquisition of the Teachers' Training qualification is not on account of their fault. Learned counsels for the petitioners submit that during the pendency of these writ petitions the State Government has taken a policy decision contained in resolution no. 3027 dated 14.12.2015. It is submitted that instant resolution has resolved to grant benefit of Grade-I scale and seniority from the date of initial joining to all such Teachers who have been appointed in the year 1987, 1988, 1994 and 1999-2000. It is further submitted that the aforesaid resolution has been issued after indulgence of this Court in batch of writ petitions led by W.P.S. No. 2547 of 2014. - 7- This Court after taking into account the policy decision, as aforesaid, disposed of the batch of said writ petitions vide judgment dated 17.12.2015 to enable the respondent- District authorities concerned to carry out the exercise in the matter relating to individual petitioners / persons who are entitled to the benefit of such Grade-I scale and seniority from their initial date of joining within stipulated period. Petitioners have therefore made prayer that the instant writ petitions be also disposed of in similar terms.

4. Learned counsel for the respondents in all these matters have submitted that pursuant to the judgment rendered by this Court in the case of Arun Sinha & others (supra), the respondent- Department has come out with a policy decision as

contained in the said resolution dated 14.12.2015. Cases of such persons / petitioners who fall within the terms of the said policy resolution are required to be examined by the respective District authorities for which directions have also been issued by the Director, Primary Education, after issuance of the said resolution. It is submitted that whether cases of these petitioners fall within the terms and conditions of the said resolution would be examined by the authorities of the respective districts in which petitioners are serving and dependent upon such exercise, those who are found to be entitled, they would be granted the benefit of Grade-I scale and seniority from their initial date of joining in the elementary schools.

5. Considered the submission of the parties in the light of relevant material facts noticed hereinabove. This Court in batch of cases led by W.P.S. No. 2547 of 2014 had occasion to deal with the instant issue where similar claims for grant of Grade-I scale and seniority from their initial date of joining were -8- sought. The said batch of writ petitions have been disposed of in view of the policy decision taken by the State Government as contained in para 15 thereof. In the present batch of writ petitions, most of the writ petitioners claim to be appointed in the year 1994 , 1988 or 1999-2000 except the petitioners in W.P.S. No. 4280 of 2015, wherein some of them were appointed in the year 1982 and 1989. Individual cases of these petitioners are therefore required to be examined in the light of the policy decision dated 14.12.2015 by the respective district authorities.

6. In that view of the matter, the present batch of writ petitions are disposed of in similar terms as directed in the case of Sunil Kumar Bhagat & others (W.P.S. No. 2547 of 2014). The operative portion of the said judgment is quoted herein below for better appreciation.

9. This issue relating to seniority from the date of initial joining and grant of Grade-I scale to the Assistant Teacher in Primary school has engaged the attention of this Court in several matters. The respondent- State has in due deference to the ratio laid down in the case of Arun Sinha & others (supra) has now taken a policy decision to grant the said benefit as per the terms of the said resolution quoted herein above to individual incumbents. It would now be proper that the cases of

individual petitioners who fall within the terms of the resolution dated 14.12.2015, quoted herein above, be considered by the respondents- District authorities. The District Superintendent of Education of respective districts would examine the individual cases as per the procedure laid down by placing the matter before the District Education Establishment Committee for taking an informed decision in respect of individual claims in accordance with law and the aforesaid policy decision within a reasonable time, preferably 16 weeks from the date of receipt of copy of this order.

10. It would not be out of place to record appreciation of the efforts taken by the State counsels and the respondent- Department in coming out with the policy resolution, which may possibly reduce institution of large number of cases with similar grievances in this Court.

11. All the writ petitions are accordingly disposed of with the aforesaid observations and directions. Pending I.A.s also stand closed.

7. All these writ petitions are disposed of accordingly. A. Mohanty (Aparesh Kumar Singh, J.)

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