SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Dilip Kumar Vs. Human Resources Department

Dilip Kumar Vs. Human Resources Department

SooperKanoon Citation : sooperkanoon.com/67926

Court : Jharkhand

Decided On : Jan-12-2016

Appellant : Dilip Kumar

Respondent : Human Resources Department

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (S) No. 62 of 2016 Jeetwahan Singh --- --- --- Petitioner Versus

1. The State of Jharkhand

2. The Principal Secretary, Human Resources Development Department, Government of Jharkhand

3. The Director, Primary Education, Directorate of Primary Education, Human Resources Development Department, Government of Jharkhand

4. The District Education Officer, Palamau

5. The District Superintendent of Education, Palamau --- --- Respondents with W.P. (S) No. 63 of 2016 Anil Kumar Mishra --- --- --- Petitioner Versus

1. The State of Jharkhand

2. The Principal Secretary, Human Resources Development Department, Government of Jharkhand

3. The Director, Primary Education, Directorate of Primary Education, Human Resources Development Department, Government of Jharkhand

4. The District Education Officer, Palamau

5. The District Superintendent of Education, Palamau --- --- Respondents with W.P. (S) No. 64 of 2016 Dilip Kumar --- --- --- Petitioner Versus

1. The State of Jharkhand

2. The Principal Secretary, Human Resources Development Department, Government of Jharkhand

3. The Director, Primary Education, Directorate of Primary Education, Human Resources Development Department, Government of Jharkhand

4. The District Education Officer, Ranchi

5. The District Superintendent of Education, Ranchi --- --- Respondents with W.P.(S) No. 65 of 2016 Bachan Lal Yadav --- --- --- Petitioner Versus

1. The State of Jharkhand

2. The Principal Secretary, Human Resources Development Department, Government of Jharkhand

3. The Director, Primary Education, Directorate of Primary Education, Human Resources Development Department, Government of Jharkhand

4. The District Superintendent of Education, Lohardaga

5. The District Education Officer, Lohardaga --- --- Respondents with W.P.(S) No. 66 of 2016 Santosh Kumar Singh --- --- Petitioner Versus

1. The State of Jharkhand

2. The Principal Secretary, Human Resources Development Department, Government of Jharkhand

3. The Director, Primary Education, Directorate of Primary Education, Human Resources Development Department, Government of Jharkhand

4. The District Education Officer, Ranchi

5. The District Superintendent of Education, Ranchi --- --- Respondents

2. CORAM: The Honble Mr. Justice Aparesh Kumar Singh For the Petitioner: Mr. Shailesh Kr. Singh and Ms. Jyoti Nayan, Advocates For the Resp - State: JC to G.A. Mr. S. Choudhary (62/16), Mr. Dhananjay Kr. Dubey, Sr. SC-I, Ms. Nehala Sharmin, JC to Sr. SC-II (64/16), Mr. Atanu Banerjee, G.A. (65/16), Mr. Prem Pujari Roy, JC to GA (66/16) --- 02/ 12.01.2016 All these writ petitions are heard and decided together with the consent of the parties as common grievances have been raised in the individual matters. WPS No. 62/2016

2. Petitioner in WPS No. 62/2016 is shown at Serial No. 150 in the final gradation list of teachers in the lower Subordinate Education Service (Primary Section) of State level seniority list (Annexure-3) dated 13.06.2012. In the promotion exercise undertaken by the Directorate of Primary Education, School Education and Literacy Department, Government of Jharkhand vide Notification dated 25.08.2015 bearing Memo No. 442 (Annexure-5), persons at serial no. 10 and 11 namely, Smt. Vininga Toppo and Shiv Prasad Singh Munda have been promoted to Upper Subordinate Education Service in the Scale of Pay of Rs. 9300-34800, Grade Pay-Rs. 4200 along with several other persons, though they are said to be junior to the present petitioner having been placed at serial no. 151 and 187 respectively in the same gradation list. WPS No. 63/2016

3. Petitioner in WPS No. 63/2016 is shown at Serial No. 70 in the final gradation list of teachers in the lower Subordinate Education Service (Primary Section) of State level seniority list (Annexure-3) dated 13.06.2012. In the promotion exercise undertaken by the Directorate of Primary Education, School Education and Literacy Department, Government of Jharkhand vide Notification dated 25.08.2015 bearing Memo No. 442 (Annexure-5), persons at serial no. 06 and 07 namely, Smt. Savita Kumari and Nawal Kishore Singh have been promoted to Upper Subordinate Education Service in the Scale of Pay of Rs. 9300-34800, Grade Pay-

Rs. 4200 along with several other persons, though they are said to be junior to

3. the present petitioner having been placed at serial no. 99 and 102 respectively in the same gradation list. WPS No. 64/2016

4. Petitioner in WPS No. 64/2016 is shown at Serial No. 65 in the final gradation list of teachers in the lower Subordinate Education Service (Primary Section) of State level seniority list (Annexure-3) dated 13.06.2012. In the promotion exercise undertaken by the Directorate of Primary Education, School Education and Literacy Department, Government of Jharkhand vide Notification dated 25.08.2015 bearing Memo No. 442 (Annexure-5), persons at serial no. 07, 10 and 11 namely, Smt. Savita Kumari, Nawal Kishore Singh, Smt. Vininga Toppo and Shiv Prasad Singh Munda have been promoted to Upper Subordinate Education Service in the Scale of Pay of Rs. 9300-34800, Grade Pay- Rs. 4200 along with several other persons, though they are said to be junior to the present petitioner having been placed at serial no. 99, 102, 151 and 187 respectively in the same gradation list. WPS No. 65/2016

5. Petitioner in WPS No. 65/2016 is shown at Serial No. 47 in the final gradation list of teachers in the lower Subordinate Education Service (Primary Section) of State level seniority list (Annexure-3) dated 13.06.2012. In the promotion exercise undertaken by the Directorate of Primary Education, School Education and Literacy Department, Government of Jharkhand vide Notification dated 25.08.2015 bearing Memo No. 442 (Annexure-5), person at serial no. 04 namely, Ganga Prasad Sinha has been promoted to Upper Subordinate Education Service in the Scale of Pay of Rs. 9300-34800, Grade Pay- Rs. 4200 along with several other persons, though he is said to be junior to the present petitioner having been placed at serial no. 63 in the same gradation list. WPS No. 66/2016

6. Petitioner in WPS No. 66/2016 is shown at Serial No. 56 in the final

4. gradation list of teachers in the lower Subordinate Education Service (Primary Section) of State level seniority list (Annexure-3) dated 13.06.2012. In the promotion exercise undertaken by the Directorate of Primary Education, School Education and Literacy Department, Government of Jharkhand vide Notification

dated 25.08.2015 bearing Memo No. 442 (Annexure-5), person at serial no. 07 namely, Nawal Kishore Singh has been promoted to Upper Subordinate Education Service in the Scale of Pay of Rs. 9300-34800, Grade Pay- Rs. 4200 along with several other persons, though he is said to be junior to the present petitioner having been placed at serial no. 102 in the same gradation list.

7. These petitioners have therefore approached this Court on being denied promotion after their representations have also failed to elicit response from the Directorate of Primary Education towards redressal of the instant grievances. It is submitted that in similar circumstances, another person aggrieved by the same order of promotion dated 25.08.2015, had approached this Court in WPS No. 4308/2015 (Balram Pathak vs. The State of Jharkhand & others) and taking note of the similar relevant facts, this Court have been pleased to direct the said petitioner to approach the Director, Primary Education, Directorate of Primary Education, Human Resources Development Department, Government of Jharkhand to raise his grievances. The Director, Primary Education was, in turn, directed to dispose of the representation within a stipulated period. Present writ petitions may also be disposed of in similar manner.

8. Counsels for the respondent State submit that the matter has been filed in the last week and instructions have not been received till date. However, if petitioners raise their grievances through individual representations containing all these material facts, Director, Primary Education may consider the same after due scrutiny of all relevant records.

9. Having considered the submissions of the parties in the light of the aforesaid material facts pleaded, at this stage, without making any comments upon the merits 5. of the petitioners' case, writ petitions are disposed of so that the Respondent No. 3 - Director, Primary Education, Directorate of Primary Education, Human Resources Development Department, Govt. of Jharkhand would take considered decision in accordance with law on the grievances of the petitioners within a period of twelve weeks from the date of receipt of a copy of this order along with a detailed representation on behalf of the individual petitioners including a copy of this writ petition as well.

5. Writ petitions stand disposed of. (Aparesh Kumar Singh, J) Ranjeet/

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com