
(2025) 10 JH CK 0062

Jharkhand HC

Case No: Writ Petition (S) No. 2291 Of 2016

Rohit Prasad Singh

APPELLANT

Vs

State Of Jharkhand
through The Secretary

RESPONDENT

Date of Decision: Oct. 16, 2025

Hon'ble Judges: Deepak Roshan, J

Bench: Single Bench

Advocate: Amit Kumar Tiwari, Mrinal Kanti Roy

Final Decision: Dismissed

Judgement

Deepak Roshan, J

1. The instant writ application has been filed by the petitioners for the following reliefs:

1. i.) For issuance of an appropriate writ (s) /order(s) / direction(s), in the nature of Mandamus, commanding upon and directing the respondents to grant Grade-I scale to the petitioners from the date of their joining and further Grade II Grade IV & Grade VI, in view of the fact that the petitioners are entitled to get their in-service training from Govt. Training college in the next sessions from the date of their joining but due to the latches and delay on the part of the respondents and no fault on the part of the petitioners, for not providing training, for which the petitioners cannot be held liable and cannot be made to suffer on that account and thus they are entitled to seniority from the date of their joining with all consequential benefits, as held by this Hon'ble Court and affirmed up to the Hon'ble Supreme Court:

ii.) For direction upon the respondent to send the petitioners in-service training which has been not provided even after lapse of 33 years of service due to the latches on the part of the respondents, which is wholly arbitrary, unjust & unsustainable in the eye of law:

iii.) For direction upon the respondents to maintain the Gradation List on the basis of the seniority of these petitioners:

iv.) Further for direction upon the respondents to pay all the consequential benefits arising due to petitioners' promotion under appropriate Grade from the date of their joining: Pass such other writ/writs, order/orders, direction/directions, as Your Lordships may deem fit & proper in the facts & circumstances of this case.

And/Or

Pass such other writ/writs, order/orders, direction/directions, as Your Lordships may deem fit & proper in the facts & circumstances of this case.â€■

2. Briefly stated, during 1981 to 1983, a large number of candidates including the Petitioners were appointed as Assistant Teachers without complying the prescribed procedures. When the said illegal appointments came to the notice of the higher authorities, the services of those candidates were terminated vide Memo No. 10966-69 dated 11.02.1985, issued pursuant to the order of the Director, Primary Education, Patna, Government of Bihar, passed on 13.11.1984. The said order of termination was subsequently challenged before the Patna High Court, where the Patna High Court directed the parties to maintain status quo. Consequently, the Petitioners were allowed to continue in service during the pendency of the writ petitions.

Pursuant to the order of the Honâ€™ble Court, the Director, Primary Education, Bihar, Patna, vide letter dated 25.07.1994, accepted the claim of 136 candidates from Deoghar District; however, the claim of 33 candidates, including the present Petitioners, was not included in the said list. The matter was thereafter taken up before the Honâ€™ble Supreme Court; whereupon the authorities reconsidered the cases of all applicants, and a fresh panel was prepared and published on 25.07.1994. Despite the aforesaid, and in spite of repeated reminders, the Petitioners did not come forward to substantiate their claim for continuance in service. However, they continued to work without undergoing in-service training, under the protection of the status quo order passed by the Patna High Court.

Now, deprived of the consequential benefits of their promotion, the Petitioners have filed the instant writ petition.

3. It has been submitted by Ld. Counsel for the Petitioners that the teachers appointed in the year 1982-83 by the then DSE, Hari Narayan Jha, had been terminated by the DSE, Dumka pursuant to the order passed by the Director, HRD, Patna vide order dated 13.11.1984. But, the present Petitioners were appointed in the year 1983-84 by Hari Narayan Thakur, the then DSE, and their services have never been terminated, though the notices for termination have been issued to the Petitioners and similarly situated teachers and vide Annexure-8 Series and 9, the Hon'ble Patna High Court has set aside the notices for termination of the Petitioners and others; as such the Petitionersâ€™ services have never been terminated and the contention of the DSE is misleading.

4. Per contra, Ld. Counsel for the Respondents has denied and disputed the claim of the Petitioners and taken a stand with regard to appointment of them that the appointment of the Petitioners and others were illegal and void ab initio and their services were terminated. It has been further

submitted that despite repeated reminders the Petitioners could not produce any document or basis of their appointments; thus, there is no error on the part of the Respondents on any kind of claim by the Petitioners for not being sent for in-service training to be eligible for receiving higher grade scale.

5. Having heard learned counsels for the parties and upon careful consideration of the materials available on record, it transpires that the Petitioners were appointed as Assistant Teachers during 1983-84 by the then District Superintendent of Education, Santhal Parganas, Dumka. Upon coming to knowledge of the higher authorities about the violation and non-compliance of prescribed procedures in appointment, their services were terminated. The issue regarding the legality of such appointments had earlier sought the attention of the Patna High Court and was kept in abeyance under an order of status quo.

It further appears that pursuant to the order of the Patna High Court, while a panel was prepared after calling for objections through notice in daily newspaper and on receipt of objections, the final panel was prepared wherein the claims of 136 candidates from Deoghar District were accepted vide order no. 9/M4-0547/93Shi/1527 dated 25.07.1994 wherein the claims of 33 candidates including the Petitioners were not among the list of those 136 candidates.

6. However, despite non-inclusion and without any fresh order of appointment, the Petitioners deliberately avoided and failed to produce any document to substantiate their appointment and continued to serve in the garb of the status quo order; perhaps in collusion with some officials by suppressing material facts.

7. Even in the meeting dated 16.06.2014, the District Education Establishment Committee, Deoghar considered the case of those 33 candidates from all probable angles but referred the matter to the 2nd Respondent-Director Primary Education Jharkhand, Ranchi.

8. Apart from that, it is obvious that the case of the Petitioners is not covered by the Resolution of the Government of Jharkhand vide Memo No. 3027 dated 14.12.2015 and the order of this Court in *Arjun Sinha v. The State of Jharkhand* in WP(S) No. 638 of 2006, thus, they are not entitled to any relief.

9. The illegal continuance of the Petitioners in service does not confer any right to claim higher Grades. The Petitioners were untrained at the time of the appointment and they remained untrained during the entire tenure of their services and hence, they do not have requisite qualifications for grant of higher grades as per the provisions of the Promotion Rules, 1993.

10. In view of the foregoing discussions, this Court finds no merit in the present writ petition. The Petitioners have failed to establish any legal or equitable right to claim higher grade or promotion. Accordingly, the writ petition stands dismissed.

11. Pending I.A.(s), if any, stands closed.