

(2013) 07 JH CK 0038

Jharkhand High Court

Case No: Writ Petition (S) No. 65 of 2007

Jasinta Bhengra

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 23, 2013

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: M.K. Jha, for the Appellant;

Final Decision: Dismissed

Judgement

Aparesh Kumar Singh, J.

Herd learned counsel for the parties. The petitioner seeks a direction upon the respondents for payment of arrears of salary since April, 2006 till October, 2006 on account of having worked as a para teacher in Rajkiya Madhya Vidyalaya, Tumgaon under Karra Block, district Ranchi.

2. The case of the petitioner is, however, disputed by the respondents by making categorical statement that she was working under an arrangement as a para teacher in the school till 30th November, 2005 when she was replaced by Mahabir Sao, who was a regular teacher and had gone for certain training. The petitioner was allowed to work as a para teacher in the school till November, 2005. It is the case of the petitioner that while respondent No. 11 has been paid salary as para teacher, the same had been denied to the petitioner.

3. However, the respondents, in their counter affidavit, stated that this petitioner was selected by the Village Education Committee in place of the co-coordinator cluster resource centre, whereas respondent No. 11 was selected on a sanctioned unit of para teacher. The petitioner's contract was terminated on 30.11.2005 but she was paid honorarium till March, 2006, which was accepted by her. However, she has forcibly recorded her attendance after joining of the coordinator cluster

resource centre. Since the contract of the petitioner ended in November, 2005, the petitioner cannot legally claim payment of any further honorarium from April, 2006 till October, 2006.

4. Having heard learned counsel for the parties and gone through the relevant statements made in the writ petition as also in the counter affidavit filed by the respondents, it is clear that the claim of the petitioner for honorarium is being disputed by the respondents. The respondents have clearly stated that after joining of the coordinator cluster centre the petitioner's contract was terminated in November, 2005 itself. Thereafter, she has marked attendance forcibly. Therefore, she cannot be paid honorarium from March, 2006 and she does not have any legal right to claim for any further honorarium on that ground.

5. The facts, which have been enumerated herein-above, therefore, indicate that the petitioner has failed to make out any case for claiming further salary or honorarium from April, 2006 to October, 2006 on the post of para teacher in the village Tumgaon under Karra Block in Ranchi district. Therefore, this writ petition is devoid of merit and is, accordingly, dismissed.