

(2004) 03 JH CK 0014

Jharkhand High Court

Case No: Writ Petition (S) No. 551 of 2001

Shaktipada Banerjee

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: March 11, 2004

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) 2 JCR 228

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: M.M. Pal, for the Appellant; I. Sen Choudhary, S.C. III, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

Heard the parties.

2. The petitioner had moved before this Court earlier in C.W.J.C. No. 1697 of 1999 (R) with a prayer for direction to the respondent-authority for grant of the B.A. trained pay scale from the date he passed B.Ed. examination, i.e.. 20.1,1971 on the ground that persons Junior to him was given the same benefit. This Court by order dated 5.2.2001 while disposing of the said writ application, refused to pass any positive order with regard to the said prayer of the petitioner. However, liberty was given to the petitioner to file a fresh representation before the District Superintendent of Education, Dhanbad. On filing of such representation, the District Superintendent of Education was directed to dispose of the same by speaking order in accordance with law within six weeks from the date of filing of such representation. It was further observed in the said order that if the claim of the petitioner is found to be genuine, an appropriate order must be passed forthwith. It was further observed that admitted amount, legally payable to the petitioner, must be paid to the petitioner

without any further delay.

3. Pursuant to the aforesaid order of this Court, the petitioner filed representation No. 18.4,2001 stating the detail about this claim before the District Superintendent of Education, Dhanbad who by issue of Annexure 11 contained in Letter No. 2025 has disposed of the representation made by the petitioner by saying that the petitioner is not entitled to B.Ed. trained scale from April, 1976, without assigning any reason for the same, Therefore, I find that the order of the D.S.E. as contained in Annexure 11 is not in accordance with order/direction passed by this Court in the aforesaid writ application and therefore it cannot be sustained.

4. Accordingly this writ application is allowed and order as contained in Annexure 11 to the writ petition is hereby quashed. The matter is remitted back again to the District Superintendent of Education, Dhanbad for passing a fresh order dealing with the points raised by the petitioner in his representation filed on 18.4.2001 within a period of three weeks from the date of receipt/production of a copy of this order.