

(2011) 07 JH CK 0103

Jharkhand High Court

Case No: Writ Petition (S) No. 2161 of 2011

Prity Kumari Choudhary

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 20, 2011

Hon'ble Judges: Narendra Nath Tiwari, J

Bench: Single Bench

Judgement

Narendra Nath Tiwari, J.

In this writ petition, the Petitioner has prayed for quashing the letter dated 3rdFebruary, 2011 issued by the Headmaster cum Secretary, Girls" Primary School, Masnodih (Koderma) and also Letter No. 197 dated 21stFebruary, 2011 issued by the District Superintendent of Education cum District Programmed Officer, Sarva Shiksha Abhiyan, Koderma, whereby the Petitioner has been asked not to work as Para Teacher in Girls" Primary School, Masnodih (Koderma).

2. It has been stated that the Petitioner was selected for the post of Para Teacher by the Village Education Committee as far back as on 29thMarch, 2010. After her selection, the approval was sought from the Block Education Committee, as required for the payment, but till date no such approval has been granted. It has been submitted that the Petitioner has been working in the said school since 6thApril, 2010 after her selection by the Village Education Committee, but even for the period he has worked, honorarium has not been paid. The Petitioner has been working in the hope of getting his honorarium after the approval of the concerned authority, but the approval has not been granted. The Respondents, instead of granting approval and paying honorarium, have issued the impugned letters, asking the Petitioner not to perform her duty.

3. Learned J.C. to Sr. S.C.II, appearing on behalf of the Respondents, submitted that only selection by the Village Education Committee does not give any right to the Petitioner to work as Para Teacher. The selection was subject to the approval by the

competent authority. The matter is still pending and the Petitioner, at her own risk, started working. Since there was no approval of the competent authority, the Petitioner has been stopped from working, rightly by the impugned letters.

4. I have heard learned Counsel for the parties and considered the facts and materials on record. It is an admitted fact that the Petitioner was selected for the post of Para Teacher as far back as on 29th March, 2010. According to the Petitioner, the matter is still pending before the competent authority for approval for about a year, but he has not passed any order till date.

5. However, since the matter is still pending for approval, I find no arbitrariness in the alleged letters of the Respondents (Annexure3 series).

6. In view of the above, this writ petition is disposed of, giving liberty to the Petitioner to file a fresh representation, along with a copy of this order, before the competent authority, raising her grievance. If such representation is filed, the said authority shall consider the same and pass appropriate order, in accordance with law, within six weeks from the date of receipt of the representation.