

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.988 of 2026

Ashok Singh Choudhary, aged about 60 years, son of
 Bhubneshwar Singh Choudhary, resident of Village
 Bahadurpur P.O. Bagsuma P.S. Govindpur District
 Dhanbad (Jharkhand). Petitioner

Versus

1. The State of Jharkhand.
2. The Principal Secretary, School Education and Literacy Department, Govt. of Jharkhand, having its office at Project Bhawan, Dhurwa, P.O. & P.S.-Dhurwa, District-Ranchi (Jharkhand).
3. The Principal Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Govt. of Jharkhand, having its office at Project Bhawan, Dhurwa, P.O. & P.S.-Dhurwa, District-Ranchi (Jharkhand).
4. The Principal Secretary, Department of Planning-cum-Finance, Govt. of Jharkhand, having its office at Project Bhawan, Dhurwa, P.O. & P.S.-Dhurwa, District-Ranchi (Jharkhand).
5. The Director, Primary Education, School Education and Literacy Department, Govt. of Jharkhand, having its office at Project Bhawan, Dhurwa, P.O. & P.S.-Dhurwa, District-Ranchi (Jharkhand).
6. The District Superintendent of Education, Jamtara, having its office at Combined Building, 2nd Floor, Block-C, P.O. & P.S.-Jamtara, District-Jamtara (Jharkhand).

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Saurabh Shekhar, Adv

For the Respondent (s) : Mr. Kishore Kr. Singh, S.C.-V

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4/06.08.2026

1. The instant writ application has been preferred by the petitioner praying therein for a direction upon the respondents to count the services of the petitioner, for entitlement of pension, w.e.f. 24.01.2015, that is the date, when the first appointments of similar other candidates,

arising out of the same selection process of Advertisement No.01/2013, to the post of Primary Teacher, was made.

2. The case in nutshell is that the petitioner was actually appointed as a regular Primary Teacher on 28.06.2019, but arising out of the same selection process (Advertisement No.01/2013), the other persons were appointed on 24.01.2015. The petitioner has superannuated from services on 31.01.2026. Due to the delay in appointment, he could not complete 10 years of service on the date of his superannuation.

3. The attempt of the petitioner is to count his services for pension, to complete 10 years, so as to become entitled to get the benefit, as per the Pension Rules. If his services is to be counted from the date of actual appointment, which is on 28.06.2019, a limited period of seven years and odd is completed, which is three years short of completing the requisite 10 years of pensionable services. Under such circumstances, he has approached this Court to get his services counted w.e.f. 24.01.2015, when similarly situated other candidates were appointed, arising out the same selection process of Advertisement No. 01/2013.

4. Learned counsel for the petitioner submits that the temporary/contractual services rendered by an employee followed by regular appointment is required to be taken

into account to count the total duration of service for the purpose of pensionary benefits. He places heavy reliance on the judgment of the Hon'ble Supreme Court in the case of ***Prem Singh v. State of Uttar Pradesh*** reported in **(2019) 10 SCC 516**. He submits that though initially appointed/engaged as contractual employee in the post of Para Teachers but pursuant to the appointment in the regular establishment in the same department and imparting education in the same manner as they were discharging as para teachers are entitled for getting their contractual employment services counted for the purpose of pensionary benefits.

5. *Per contra*, learned counsel for the respondents submits that the petitioner was appointed as Para Teacher in the year 2019 and he was not selected in the merit list in the year 2015 and also in the last merit list in 2016, hence, his time of service will be counted from 2019 and not from 2015 as not born in the cadre, and as a result, the period of 10 years of service to be eligible for entitlement of pension will not be counted in this case.

6. Having heard the learned counsel for the parties and upon perusal of the materials available on record, it transpires that the petitioner was earlier working as para teacher and applied in the selection process arising out of

Advertisement No. 01/2013, for appointment to the post of Intermediate Trained Teacher (Primary Teacher). The petitioner having completed more than two years of services as para-teacher, was selected for appointment and gave joining, as such, with the department on the post of Intermediate Trained Teacher, after being relieved from para-teacher. He gave joining in the year 2019, but could not complete ten years of services, on the date of superannuation, in the year 2026, due to which he became disentitled for the pensionary benefits.

7. It has been submitted by Ld. Counsel for the petitioner that, one another matter was also decided by this Court, being *W.P.(S) No. 3520 of 2026, dated 29.06.2026*.

8. In the said case, the facts have been discussed at para-2, 3 & 4, which indicates that the writ applicants of that case were initially working as Para Teachers and they had approached the Court, for the purpose of pension, after their superannuation from the post of Intermediate Trained Teacher. These employees were appointed on the post of Intermediate Trained Teachers, against the vacancies advertised, on the basis of the status that they had served for at least two years as para-teachers, in the Govt. After qualifying all the tests, they were selected and were appointed as Intermediate Trained Teacher in the District

of Giridih and Pakur of the State of Jharkhand, on being relieved from Para-Teacher. They superannuated after completion of nine years of services as Intermediate Trained Teacher and were not able to complete the requisite ten years of services to qualify for the purpose of pension.

9. In view of the above, the facts of the present case and facts of the case, being *W.P.(S) No. 3520 of 2026* are similar. The employees in both the cases are para-teachers and were appointed to the post of Intermediate Trained Teacher, on the ground of that status. The employees in both the cases have superannuated before completion of ten years of services, and therefore, in the two cases, the petitioners have approached this court for counting of ten years of requisite pensionable service, in order to make them entitled for getting pension.

10. The petitioner in the present case had been working on the post of Para-Teacher, w.e.f. 06.01.2007, and he has placed Annexure-01 to prove the fact that until the date of participation in the selection process in the year 2015, he had been continuously working as para-teachers. This counts for period of around 7-8 years as para teachers of the petitioner, which was further continued until 2019, when he was actually appointed. This makes his services

rendered as para-teachers, from the year 2007 to the year 2019, to be counted to 12 years.

11. Now, if the decision rendered in *W.P.(S) No. 3520 of 2026* is visited, it has been held at para-27 and 32, that on the date of superannuation, the employees were working as Govt. servants, and earlier they had served as para-teachers in the same department. They have uninterrupted services as contractual employees, which was followed by their appointment, as Intermediate Trained Teacher, after facing a regular selection process. Under such circumstances, it has been held that the past services rendered by the employees as para-teachers on contractual basis in the same department, will be counted for pension.

12. Now coming to the facts of the present case, the petitioner has rendered around 12 years of un-interrupted services as para-teachers, in the same department, in which he had been subsequently appointed as Intermediate Trained Teacher. The petitioner of the present case has been appointed by the same selection process as petitioners of the *W.P.(S) No. 3520 of 2026*. Therefore, the facts of the present case and decision rendered are same and similar.

13. The Respondents Counsel tried to distinguish this case with that of *W.P.(S) No. 3520 of 2026*, inasmuch as, this petitioner had been appointed belatedly, of the same

selection process, Advertisement No. 01/2013, wherein, similar candidates had been appointed in the year 2015, whereas, the petitioner was appointed belatedly in the year 2019.

14. In the counter affidavit, filed by the respondent authorities, no substantive reason has been given to indicate that the delay in the appointments, arising out of the same selection process is attributable to the action on inactions, delay or latches on part of the petitioner. Hence, the petitioner cannot be made to suffer the brunt of delay in appointment, as a result of which, the appointment of the petitioner got delayed from the year 2015 to 2019, specifically for the purpose of pension, and when other persons of the same selection process were already appointed in the year 2015.

15. Accordingly, this Court is having no hesitation in holding that the petitioner is entitled to get the same relief, as has been awarded to the petitioners of *W.P.(S) No. 3520 of 2026*.

16. Hence, it is held that the past services rendered by the petitioner, on the post of para-teacher, should be counted for pension. The services rendered as para-teacher, followed by the regular appointment on the post of Intermediate Trained Teacher, is in the same department

and therefore, ten years and more services should be counted in continuity, in order to make this petitioner entitled for pension.

17. The respondents are, accordingly, directed to calculate all the post-retirement benefits of the petitioner by counting his services w.e.f. 06.01.2007 and pay the same to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

18. Accordingly, the writ application is allowed. Pending I.A.(s), if any, stands closed.

(Deepak Roshan, J)

06.08.2026

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