

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 3882 of 2005

Ajay Kumar Gupta Petitioner
Versus
The State of Jharkhand & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner : Mr. K.P. Deo, Advocate
For the Respondents : Mrs. Sweta Singh, J.C. to G.P. I

I.A. No. 5919 of 2013

8 /23.08.2013 The present interlocutory application has been filed by the petitioner seeking amendment in the prayer clause of the writ petition which reads as under:

“and in alternative, direction may be given to respondent authorities to pay the petitioner the post retiral benefits as the petitioner has joined service on the post of Assistant Teacher on 03.10.1983 in pursuant to the advertisement issued by the Competent authority i.e., the then District Superintendent of Education, Sahibganj on vacant sanctioned post and worked continuously since 30.06.2005 and was also given promotion by the respondent authorities vide memo no. 4562-69, Sahibganj, dated 01.07.1994 and thereafter, petitioner was removed from service vide memo no. 753, Pakur, dated 30.06.2005, issued by District Superintendent of Education-cum-Sub Divisional Officer, Pakur although in the course of his 22 years of service petitioner has acquired first rank in the examination conducted by Primary Teachers Training College, Barihat, Sahebganj in the year 1994.”

2. Heard learned counsel appearing for the petitioner and learned counsel appearing for the respondents.

2.

3. It is the case of the petitioner that he was appointed as Assistant Teacher on 03.10.1983 pursuant to the advertisement issued by the respondents and thereafter, he worked continuously on the said post till 30.06.2005.

4. Learned counsel for the petitioner submits that these facts have been mentioned in the writ petition and in view of the facts already stated in the writ petition, the amendment as sought through the present interlocutory application would not change the nature of the case nor it would cause any prejudice to the Respondents and thus, such amendment can be allowed.

5. Learned counsel appearing for the respondents is also not in a position to dispute the facts stated in the interlocutory application.

6. In view of the aforesaid, I.A. No. 5919 of 2013 is allowed.

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7. Let necessary amendment be carried out in the writ petition within a period of one week.

8. Vide order dated 28.06.2013, the Respondent No.6 was directed to file an affidavit. Again by order dated 19.07.2013, one more chance was granted for filing such an affidavit however, till date no such affidavit has been filed by the Respondent No.6.

3.

9. In view of the aforesaid, Respondent No.6 is directed to be present in the Court at 10.30 AM on the next date of hearing.

10. In the meantime, an affidavit as directed by order dated 28.06.2013 may be filed.

11. Post the matter on 6th September, 2013.

12. Let a copy of this order be sent to the Principal Secretary, Human Resource Development Department, Government of Jharkhand.

13. Let a copy of this order be given to the counsel appearing for the parties.

(Shree Chandrashekhar, J.)

R.K.