

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 2418 of 2011

1. Bibekananda Paul, aged about 52 years brother of late Bhabananda Paul, resident of village-Mohuldangri, P.O. Bamdole, P.S. Bahragora, District-East Singbhum, Jharkhand.
2. Snehangshu Paul, son of late Khetra Mohan Paul, resident of village and P.O. Bamdole, P.S. Bahragora, District-East Singbhum.Petitioners

Versus

1. The State of Jharkhand
2. The District Superintendent of Education, East Singhbhum at Jamshedpur.
3. The Block Education Extension Officer, Bahragora-1, Police station Bahragora, District East Singbhu.
4. The Headmaster cum Secretary of Upgaded Middle School, situated at Mohuldangri, P.O. Bamdole, P.S. Bahragora, District East Singhbhum.
5. President of, Gram Shiksha Samiti, Upgraded Middle School, Mohuldangri, P.O. Bamdole, P.S. Bahragora, District East Singhbhum.
6. All members Upgraded of the Gram Shiksha Samiti, Middle School, Mohuldangri, P.O. Bamdole, P.S. District Bahragora, East Singhbhum.
7. Sri Prabitra Nayak, son of Sri Ashutosh Nayak, Member, Gram Shiksha Samiti, Upgraded Middle School, Mohuldangri, P.O. Bamdole, P.S. Bahragora, District East Singhbhum.Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Mahesh Tewari, Adv.
 For the Resp.-State : Mr. Uttam Kr. Das, A.C.to G.P.-IV
 For the Resp. No.3 : Mr. Krishna Murari, Adv
 Mr. Rajvardhan, Adv.

23/15.09.2025

The instant writ application has been preferred by the Petitioners for the following reliefs;

(A) For an appropriate writ in the nature of mandamus commanding upon the respondents to send to this Hon'ble Court forthwith all the

records appertaining to the appointment of the petitioners as para teachers situated at in the upgraded Middle School Mohuldangri, P.O. Bamdole, Police Station Bahragora, District East Singhbhum;

And

(B) Thereafter for a direction upon the respondent no. 2 i.e. District Superintendent of Education, to immediately and forthwith allow the petitioners to resume the duties as para teachers in the upgraded Middle School situated at Mohuldangri, P.O. Bamdole, Police Station Bahragora, District East Singhbhum;

And

(C) For a further direction to the respondents particularly respondent no. 2 to make payment of the salary to the petitioners to which they are entitled, in view of the fact that they have already completed their induction training on and from 20.2.2010 to 1.3.2010 and thereafter they were allowed to take classes, hold and conducted the examination held in the said school and also they had been appointed as Invigilators to check the answer sheet of the students;

And

(CI) For setting aside the order contained in Annexure-7 issued vide Memo No. 360 dated 05.04.2010 passed by the DSE cum District Programme Officer, Jharkhand Education Project, East Singhbhum.

2. During pendency of this writ application, Petitioner no.1 had died and his legal heir has been incorporated as petitioner no.1.

3. The brief facts of the case as per the pleadings are that a village meeting was held on October 15, 2007, in East Singhbhum, resulting in the selection of two individuals under an official order issued on the same day. Their selection was approved by the District Superintendent of Education on January 27, 2010. Pursuant to this approval, the Petitioners were directed to undergo induction training via letters dated February 16 and 17, 2010. They subsequently submitted their joining reports to the Headmaster.

Later, a dispute emerged; reflected in an order passed

by the Lok Adalat and a directive issued via Letter No. 360 against the petitioners. In response, 14 out of 12 members of the Gram Shiksha Samiti submitted a resolution/representation concerning the issue.

4. A counter-affidavit has been filed in this case on behalf of the respondent-State; Principal Secretary Human Resources Development Department Jharkhand; wherein at para 12 and 13 it has been stated as under: -

“12. That the meeting for re-constitution of the said committee was held presence of a in the Cluster Resource Person (CRP) deputed by the JEPC officials. No adverse remarks regarding conduct of the meeting of Aam Sabha held on 10.07.2006 for re-constitution of the Village Education Committee has been recorded by the CRP.

13. That from the perusal of the relevant records, the aforesaid re-constitution of the Village Education Committee, Upgraded Middle School Mahuldangri, Baharagroa, East Singhbhum appears to be in order.”

5. Pursuant thereto, a rejoinder has been filed by the Petitioners, wherein it has been stated at para 6 to 11 as under:-

“6. That at paragraph VIII, District Superintendent of Education, East Singhbhum aat Jamshedpur, has sated at on oath and on affidavit before this Hon'ble Court in the following terms:

"It was found that the formation of the previous Gram Siksha Samiti, was at as per law and also the selection of the petitioners as Para teachers was not made through guidelines of the State so vide memo number 360 dated 05.04.2010 previously selection of constituted Samiti the and the petitioners were rejected"

7. That this is completely wrong statement made on oath by an affidavit by the District Superintendent of Education, East Singhbhum at Jamshedpur, for which he will be prosecuted in accordance with.

8. That this knowingly wrong statement made by the District Superintendent of Education, East Singhbhum at Jamshedpur, will be evident and crystal clear from paragraph 10 and onwards right up to paragraph 13 to the counter affidavit filed by the Principal Secretary, Human Resources Development Department, Govt. of Jharkhand, Ranchi.

9. That at paragraph 12, the Principal Secretary, Human Resources Development Department, Govt. of Jharkhand, Ranchi, has stated in the following terms:

"12. That the meeting for re-constitution of the said Committee was held in the presence of a Cluster Resource person (CRP) deputed by the JEPC officials. No adverse remarks regarding conduct of the meeting of Aam Sabha held on for reconstitution of 10.07.2006 the Village Education Committee has been recorded by the CRP."

10. That at paragraph 13, the Principal Secretary, Human Resources Development Department, Govt. of Jharkhand, Ranchi, has stated in the following terms:

"13. From the perusal of the relevant records, the aforesaid reconstitution of the Village Education Committee, Middle upgraded School, Mahuldangri, Bahragora, East Singhbhum appears to be in order".

11. That as such from the statement made at paragraph 12 and 13 of the counter affidavit filed by the Principal Secretary, Human Resources Development Department, Govt. of Jharkhand, Ranchi, it will be evident and crystal clear that as the District Superintendent of Education, East Singhbhum at Jamshedpur, deliberately and knowingly has made a wrong statement with a view mislead this Hon'ble Court, SO that the petitioners may be denied justice from this Hon'ble Court for which they are legally entitled."

6. During course of hearing, learned counsel for the Petitioner has also raised the ground that without giving any opportunity of hearing and without giving any show cause, the claim of the petitioner for appointment has been rejected only on the ground that the Village Aam Sabha was not in accordance with law.

7. Learned counsel for the Respondent- State and JEPC tries to justify the action by not allowing the Petitioners for service because their appointment was irregular; however, both the Respondents could not dispute the admitted fact that the Petitioners were appointed on service. However, all of a sudden, they have been removed/stopped from coming to the respective school. In other words, all of a sudden, they were debarred from teaching the students.

8. Having regard to the aforesaid facts and circumstances of the case, interest of justice would be sufficed by remitting the case to the 2nd Respondent.

Accordingly, the matter is remitted to the 2nd Respondent who shall issue notice to the Petitioner no.2 asking him to bring the relevant records which is in his possession and take a decision in the matter by passing a reasoned and speaking order.

So far as original Petitioner no.1 is concerned; since he is no more, the concerned respondent shall also issue notice to the present petitioner No.1, who is the legal heir and after calculation of amount, if any, for which the original petitioner had actually worked for the concerned school; shall pay the same to the legal heir who have been impleaded as present petitioner no.1 in this case.

The entire exercise shall be completed within a period of 16 weeks from the date of receipt of copy of this order.

9. Consequently, the instant writ application stands disposed of. Pending I.A.s, if any, also stands disposed of.

(Deepak Roshan, J.)

Amardeep/-