

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2620 of 2016

(Md. Kabir Ansari & Ors. Vs. The State of Jharkhand & Ors.)

CORAM: HON'BLE DR. JUSTICE S. N. PATHAK

For Petitioners	: Mr. Alka Kumari, Advocate
For Respondents	: Mr. Anil Kumar Singh, AC to GP-I
	Mr. Diwakar Upadhyay, Advocate
	Mr. Radha Krishan Gupta, Adv.

24/22.03.2023 Learned counsel for the respondent-State of Bihar submits that it is the State of Jharkhand, who has to consider and pay the salary to the petitioners as after bifurcation, the institution in question falls under the jurisdiction of State of Jharkhand.

Mr. Anil Kumar Singh, learned counsel for the respondent-State of Jharkhand submits that since the Madrsa, where the petitioners are working is not fulfilling the required conditions for payment of salary to its employee in view of Resolution dated 28.08.2020 and as such, petitioners are not entitled for salary.

This Court fails to understand that as to how, said Resolution is applicable in the instant case as the same is issued in the year, 2020.

Let the Director, Primary Education, Govt. of Jharkhand file a specific affidavit mentioning therein as to whether, the petitioners are entitled for salary for the period from 1998 to till date or their superannuation, taking into consideration that before bifurcation of the State of Bihar, the petitioners' institution i.e. Madrsa was recognized by the State of Bihar and even salary was paid to them up to 1998 and it is only 1998, the petitioners have been deprived of their salary. Further, if they are not entitled for salary, specific reasons be assigned as to why they are not entitled for, within a period of three weeks.

Put up this case after three weeks.

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(Dr. S.N. Pathak, J.)