

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.S. Case. No.2784 of 2020

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1. Indradeo Ravidas, aged about 62 years, Son of Late Chhotu Ravidas, Resident of Baba Path, Hurhuru, P.O. Hazaribagh, P.S. Sadar, District – Hazaribagh.
 2. Raghu Ram aged about 64 years, son of Dhanku Ram, Resident of Krishna Nagar, North Shivpuri, Gali no. 15, P.O. Hazaribagh, P.S. Sadar Hazaribagh, District – Hazaribagh.
-Petitioners

Versus

1. The State of Jharkhand through the Secretary, Human Resources Development Department, Government of Jharkhand, Ranchi, at project building, P.O. and P.S. – Dhurwa, Ranchi ;
 2. The Director, Primary Education, Human Resources Development Department, Government of Jharkhand, Ranchi, at Project Building, P.O. and P.S. – Dhurwa, Ranchi;
 3. The Deputy Commissioner, Hazaribagh, At P.O.+P.S.: Hazaribagh, District: Hazaribagh;
 4. The District Superintendent of Education, Hazaribagh, At P.O.+P.S.: Hazaribagh, District: Hazaribagh;
-Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Shadab Bin Haque, Adv.
: Miss Nisha Kumari, Adv.

For the Res.- State : Mr. Ashutosh Anand, AAG-III

04/Dated:19.01.2026

Heard learned counsels for the parties.

2. The instant application has been preferred by the petitioners for the following relief:-

- (i) For issuance of an appropriate writ, order or direction to the respondents to grant them Grade-I, consequential monetary benefits.
- (ii) Promotion from Grade-I to Grade-III treating them as a Trained Teacher from the date of their respective appointment/joining.
- (iii) Further to extend all consequential pensionary benefits/retiral benefits including interest thereon for the delay, till date for which they are qualified and eligible.

3. Learned counsel for the petitioner submits that the petitioners being Untrained Graduate/Post Graduate, applied for the post of teacher and after being found successful they have been issued appointment letter in the year 1983. Subsequently, they were sent for training in the session 1988-1989 and 1989-1990 respectively and result of both were published in the year 1992. Service book of the petitioners was also opened in which the petitioner no.1 was qualified I. Sc. Untrained, B.Sc. and M.A. Similarly, qualification of petitioner no. 2 has been mentioned as I.A. Untrained, B.A. and M.A. Both the petitioners have passed their teachers training examination from Bihar School Examination Board in 1st Division in the year 1992 and thus became trained teachers and both the petitioners were duly qualified for promotion in Grade-II and III upon fixation of their Grade-I from the date of their appointment/joining.

Learned counsel further submits that several Writ Petitions were filed by different teachers and petitioners also preferred separate Writ Petition along with other persons namely ***Parmeshwar Ram and***

others in WP(S) No. 4305 of 2015 which was disposed of by order dated 04.12.2018 directing the respondent to decide the representation of the petitioners by passing a speaking order and if the case of the petitioners is covered under the judgment rendered in the case of **Arun Sinha**, the consequential relief can be granted.

Learned counsel further draws attention of this Court towards the decision rendered by this Court in the case of **Arun Sinha and others vs. The State of Jharkhand and others (W.P.(S) No.638 of 2006)**, whereby this Court has directed the respondents to grant Grade-I scale to such teachers who has been provided training with much more delay and respondents were also directed to give seniority from the date of appointment.

Learned counsel further submits that the said order passed in the case of *Arun Sinha (supra)* was challenged before the Division Bench and the Division Bench has dismissed the said appeal and further, the order passed by the learned writ court in *Arun Sinha's* case was upheld up-till Supreme Court as the Hon'ble Apex Court did not interfere with the order passed by the writ court.

In compliance to the aforesaid order, the Government of Jharkhand, through the School Education and Literacy Department, issued an order under memo No. 3027 dated 14.12.2015 and further amending the said circular vide memo No.619 dated 26.08.2021, directing all the district authorities to grant Grade-I from the date of joining with all consequential benefits and also Grade-II after 12 years of service.

Learned counsel further submits that the case of the petitioner is to be guided by Bihar Taken Over

Elementary School Teachers Promotion Rules, 1993 as the same has been adopted by the State of Jharkhand. He further submits that as per Rule 1 and 2, grade means scale and Grade-I means Matric Trained basic scale. Further, Rule 5 to 13 provides further higher promotion to the teachers, the eligibility which is to be considered by the district authorities.

Learned counsel contended that the State of Jharkhand has filed its counter affidavit with the only ground that in view of the resolution memo no.1145 dated 18.07.2019, Clause 7(kha)(vi), it has been decided that the retired teachers as well as deceased teachers shall not be extended benefit of Grade-I and since the petitioners had retired in the year 2018 and 2016 respectively; as such the resolution which came into effect on 18.07.2019 will not be applicable to these petitioners.

4. Learned counsel for the respondents relied upon the counter affidavit and reiterated the stand that since the petitioners had retired prior to the resolution (Annexure-A to the counter affidavit), wherein at clause 7(kha)(vi), it has been stipulated that the retired teachers as well as deceased teachers shall not be extended benefit of Grade-I.

5. Having heard learned counsel for the parties and after going through the documents annexed with the respective affidavits and the averments made therein, it appears that the petitioners were appointed as Untrained teachers and subsequently sent for training by the respondent on a belated stage therefore the case of the petitioners are fully covered from the case of *Arun Kuar Sinha (supra)* and they are also entitled for the benefit of

Grade-I from the initial date of appointment and thereafter subsequent grades.

6. In the case of *Arun Sinha and others vs. The State of Jharkhand and others (W.P.(S) No.638 of 2006)*, this Court has decided the issue with regard to the grant of Grade-I scale to the teachers who have been provided training in service. From record, it appears that the said order was challenged by the State in Appeal being L.P.A. No.214 of 2008, which was dismissed and even the Hon'ble Apex Court did not interfere with the order passed by the writ court.

7. It further transpires that in compliance thereof, the State of Jharkhand through School Education and Literacy Department has issued an order vide memo No.3027 dated 14.12.2015 and further by amending the said circular vide memo No.619 dated 26.08.2021, all the district authorities were directed to grant Grade-I to the teachers from the date of their joining and Grade-II after 12 years of their service.

8. In the instant case, the petitioner no. 1 has enhanced his qualification and passed B.Sc. in the year 1981 and the result was published in the year 1982. Similarly, petitioner no. 2 passed B.A. (Hons) examination in 1982.

The only stand taken by the respondent State in the counter affidavit is that in view of resolution issued under memo No.1145 dated 18.07.2019 (Annexure-A), wherein in Clause 7(ख)(vi), it has been decided that the retired teacher as well as the deceased teacher shall not be extended benefit of Grade-I and since the petitioners had retired in the year 2018 and 2016 respectively, the same would not be available to him.

9. At this stage, it is pertinent to mention here that the said stand of the State respondent was also taken into consideration in the case of **Jai Shankar Pandey**, wherein the coordinate bench of this Court has held in para 8 as under:

“8. Having heard learned counsel for the parties and after considering that Clause-7(Kha)(vi) of resolution No.1145 dated 18.07.2019 issued under the signature of the Principal Secretary, Department of School Education and Literacy (Directorate of Primary Education), Government of Jharkhand has already been quashed in the case of “Sudhir Narayan Dwary” (supra) and other analogous cases, there is no need to quash the said resolution once again.”

Consequently, the coordinate bench has observed that the petitioners are entitled to get the benefit of Grade-I pay scale from the date of his initial appointment and for further grades, if the same applies to them.

10. It further transpires that the issue with regard to non-payment of mandatory benefits in the case of **Nand Kishor Nayak and others vs. The State of Jharkhand and others (W.P.(S) No.7392 of 2017**, the coordinate bench of this Court has held in para 5, 6 and 7 as extracted hereinbelow:

“5. Be that as it may, having gone through the submissions of the parties and after perusing the relevant records, this Court is of the view that issue regarding giving benefits of Grade-I pay scale fell for consideration before this Hon'ble Court and the Hon'ble Court had observed that teachers are entitled for benefits from the date of their initial appointment and the same was affirmed upto the Hon'ble Apex Court and hence, the issue is no more res-integra. The State Govt. has also come-out with a resolution No.3027 dated 14.12.2015 for implementing the same regarding grant of benefits from the date of initial appointment but unfortunately, the same is not implemented so far. The teachers are suffering as they are not getting their benefits though the issue has been set at rest by the Hon'ble Apex Court. Thereafter, several writ petitions have been filed for the same relief and several orders have been passed by the Hon'ble Court for granting the benefits of Grade-I from the date of initial appointment.

A very fair submission has been made by the learned Counsel that if the petitioners are not entitled for monetary benefits from the date of their initial appointment, they are at least entitled for notional benefits from the date of their initial appointment and monetary benefits from 15.11.2000, as contained in para-15(iv) of the resolution dated 14.12.2015 and also in view of settled principles of law. This submission of learned Counsel is appreciated by this Court.

*As such, respondent No.4 is directed to take a uniform decision in case of teachers for granting the benefits of Grade-I Scale keeping into account the decision of this Hon'ble Court in case of **"Arun Sinha & Ors. vs. the State of Jharkhand & Ors.,** passed in **W.P.(S)No.638 of 2006** which was affirmed upto the Hon'ble Apex Court and in view of the fact that State has already come-out with a resolution No.3027 dated 14.12.2015. Needless to say that if the petitioners are granted promotion and thus entitled for monetary benefits also and accordingly are entitled for the benefits as prayed for, in view of decision of the Hon'ble Apex Court and in view of resolution dated 14.12.2015.*

6. *It was brought to the notice of the Court that in view of several orders passed by this Court taking into consideration the orders passed by the Division Bench as well as Supreme Court, the State of Jharkhand has given actual monetary benefits to Assistant Teachers of all the districts of the State of Jharkhand save and except Bokaro, Jamshedpur, Dumka and Chaibasa. The instant case relates to Bokaro. Earlier also the order was passed by this Court in W.P.(S)No.2128/2018 relating to Jamshedpur i.e. East Singhbhum.*

7. *It appears that respondents have adopted method of pick and choose. The Assistant Teachers of Jamshedpur, Bokaro, Dumka and Chaibasa have been discriminated whereas the ratio of the Supreme Court applies in each and every case. If the teachers have been considered for granting promotion and have been granted, they are very much entitled for the monetary benefits also as per the settled proposition of law as it has been held in the case of **"Dr. Paras Nath Singh Vs. State of Bihar, reported in 1990(2) PLJR 248; Md. Hafiz vs. State of Bihar, reported in 2003 (2) PLJR 44; Suryadeo Prasad vs. the State of Jharkhand, reported in 2010 (3) JCR 238 and in case of W.P.(S) No.1932 of 2005 (Rajeshwar Prasad Vs. the State of Jharkhand)** wherein this Court has held that promotion should be granted with all consequential benefits from the date it fallen due and as such, the respondents cannot be allowed to proceed against the orders passed by the Hon'ble Courts. Time and again it has been held that seniority will be counted from the date of initial appointment. The Assistant Teachers are entitled for monetary benefits from the date of promotion though a decision has been taken by the respondent State that Assistant Teachers*

are not entitled for monetary benefits prior to the State of Jharkhand came into existence but admittedly they are entitled for monetary benefits from the date the State of Jharkhand came into existence or from the date a decision to that effect was taken by the State i.e. 05.07.2002. Surprisingly the benefits have been extended to all the teachers except the teachers of Bokaro, Jamshedpur, Dumka and Chaibasa. The stand of the respondent is discriminatory and in complete violation of Article 14, I hereby direct the respondents, particularly, respondent No.1 to take a uniform decision for extending the actual benefits of promotion to the petitioners within a period of 12 weeks from the date of receipt of a copy of this order.

Let a copy of this order be circulated to the departmental heads of all the districts of Jharkhand.

The Secretary of the Education Department is directed to circulate the order to all concerned authorities, who are responsible for making payment.

The entire exercise of such circulation of order shall be completed within a period of 4 weeks.”

This court also in the case of **Hridayanand Tiwari, W.P.(S) No. 6600 of 2022** has considered this issue and directed the respondent vide its order dated 23.08.2024 to extend the benefits of Grade-I from the date of his initial appointment and for further grades, if it applies to him within 12 weeks from the date of receipt/production of the copy of this order.

11. Thus, it appears that the issue involved in this writ application with regard to entitlement of Grade-I and Grade-II has been settled and in terms of the settled legal position, the petitioners are entitled for Grade-I from the date of appointment and further promotions, if it applies to them.

12. Accordingly, the instant writ application is allowed and it is held that the petitioners are entitled to get the benefit of Grade-I pay scale from the date of his initial appointment and for further Grades, if it applies to them.

13. Since the petitioners are retired persons, all the pensionary benefits shall be accordingly extended to

them within a period of 12 weeks from the date of receipt/production of copy of this order.

14. As a result, the instant writ application stands disposed of in the manner as indicated hereinabove.

(Deepak Roshan, J.)

January 19, 2026
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