

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.S No. 1007 of 2026

Durga Prasad Chourasia, Aged about 73 Years, Son of Late Satya Narayan Chourasia, Retired Head Master, Resident of Jharkhand State Primary Teacher Sang Bhawan, Dumka, P.O. and P.S.- Dumka, District- Dumka, Jharkhand.

... .. **Petitioner**

Versus

1. The State of Jharkhand
2. The Principal Secretary, Department of School Education and Literacy, Government of Jharkhand, Ranchi officiating from Project Building, Dhurwa, P.O.-Dhurwa, P.S.- Dhurwa, District- Ranchi, Jharkhand
3. The Director, Department of Primary Education (Now School Education and Literacy Department), Government of Jharkhand, Ranchi officiating from Project Building, Dhurwa, Post Office- Dhurwa, Police Station- Dhurwa, District- Ranchi , Jharkhand.
4. The Regional Deputy Director of Education, Dumka.
5. The Deputy Commissioner, Dumka Cum Chairman District Education Establishment Committee, Dumka.
6. The District Development Commissioner, Dumka.
7. The District Superintendent of Education, Dumka.
8. The Accountant General (A&E), Jharkhand, Ranchi, At Doranda, P.O. & P.S.- Doranda, District-Ranchi, Jharkhand.

... .. **Respondents**

CORAM : SRI ANANDA SEN, J.

For the Petitioner : Mr. Mahesh Kumar Sinha, Advocate
Mr. Gaurav Priyadarshi, Advocate
For the Respondents : Mr. Abhinay Kumar, AC to GA-I
Mr. Arvind Kumar Mehta, Advocate

RESERVED ON 16.02.2026

PRONOUNCED ON 16.03.2026

Petitioner in this writ petition, has prayed for issuance of appropriate writ or direction upon the respondents to consider the case of the petitioner in the light of order dated 19.09.2023 passed in W.P.(S) No. 3454 of 2020, which was confirmed by order dated 18.12.2024 passed in L.P.A. No. 333 of 2024 by the Division Bench of this Court. He has further prayed for a direction upon the Respondents to grant the benefit of Grade-1 scale as B. Sc. Untrained in the scale of 680-965 to the petitioner from the date of his initial appointment which is being paid to the similarly situated employees and further to recalculate the post retrial dues and pay the differences of its arrears.

2. Petitioner was initially appointed as an untrained teacher pursuant to an advertisement dated 31.03.1981. He was initially paid a stipend of Rs.150/- per month, with a provision for regular pay after training. Petitioner's

pay was revised and fixed in the scale of Rs. 680–965/- vide Memo No. 2604 dated 02.09.1998, and arrears were also paid. In 1998, he was granted the pay scale of Rs. 680–965 with arrears, but later the authorities cancelled it and ordered recovery of the excess amount vide letter no. 351 dated 15.02.2007. The petitioner challenged this action by filing W.P.(S) No. 1823 of 2007, which was disposed of in 2009 stating that the decision in the pending LPA in a similar case would also apply to him which was filed by the State. The dispute regarding entitlement of higher scale continued. The petitioner thereafter filed a representation dated 05.03.2025 with a prayer that the case of the petitioner should be considered according to the order dated 18.12.2024 passed in LPA no. 333 of 2024 which was filed by the State challenging the order dated 19.09.2023 passed in WPS no. 3454 of 2020 but till date no action has been taken

3. Learned counsel for the petitioner contended that without any misrepresentation or fraud on the part of the Petitioner, the respondents arbitrarily cancelled the pay scale granted to the petitioner and sought recovery of alleged excess payment. He further contended that similarly situated employees have been granted the pay scale of Rs. 680–965/- pursuant to judgments of this Court. He also contended that the action of respondents is arbitrary and unsustainable in law, and the Petitioner is entitled to restoration of Grade-I pay scale of Rs. 680–965/- from the date of his initial appointment along with all consequential and retiral benefits.

4. Learned counsel for the State-respondents contended that in 1982, 113 teachers were appointed without approval of the District Education Establishment Committee, and their appointments were later cancelled. The then District Superintendent of Education wrongly granted them the higher B.Sc. untrained pay scale of Rs.680–965 and paid arrears. On enquiry, the higher scale was found illegal and recovery was ordered. The High Court later quashed only the recovery part, not the correction of pay scale. He further contended that re-fixation of salary in the lower scale was not challenged.

5. Learned counsel appearing for the Accountant General (A&E), Jharkhand, Ranchi submitted that pension of the petitioner will be paid after receiving the Service Book, pension papers and proper sanction orders from the concerned department through online mode which is necessary for processing pension.

6. It is the contention of the petitioner that the case of the petitioner is similar to Madhu Rai, as such he is entitled to Salary/Pension and other

benefits in terms of order dated 18.12.2024 passed in L.P.A. No.333 of 2024. From the records, it also appears that the petitioner has also filed a representation for the said benefits before the respondents, which is pending.

7. Considering the facts and circumstances of the case and also considering that the petitioner has already filed a representation before the respondents, it is appropriate to direct the respondents to consider the case of the petitioner in light of the benefits granted to other similarly placed teachers. If it is found that the case of the petitioner is on the same footing to those, who have been granted benefits as contended by the petitioner, the same benefits should also be extended to the petitioner forthwith. Accordingly, I direct the petitioner to file a representation before the respondent No.3 (Director, Department School Education and Literacy) along with a copy of this order and all the documents, which he is relying upon. The respondents are directed to consider the case of the petitioner in light of the benefits granted to other teachers and if it is found that the case of the petitioner is similar to those teachers, who have been granted benefits in terms of the order passed in L.P.A. No.333 of 2024, the respondents shall extend the same benefits to the petitioner also and shall also forward the service book, pension papers and proper sanction orders to the Accountant General (A&E), Jharkhand, Ranchi for processing pension of the petitioner. If the respondents arrive at a finding that the case of the petitioner is different than those, who have been granted the benefits, the difference should also be mentioned in the reasoned order, which they will pass. One opportunity of hearing must be given to the petitioner by the Decision Making Authority so that the petitioner can place his case and show the exact similarity of facts and law, so far as it relates to the case of the petitioner and that of the other similarly situated persons. The State respondents are directed to complete the entire process within a period of 12 (twelve) weeks from the date of receipt of a copy of this order. The Accountant General (A&E) shall ensure compliances from their part within a period of four weeks thereafter.

8. With the aforesaid observations and directions, this writ petition stands disposed of. Pending interlocutory applications, if any, stand disposed of.

(Ananda Sen, J.)

High Court of Jharkhand, Ranchi
Dated 16th March, 2026

Kumar/Cp-02

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