

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P(S). No. 4338 of 2020

Shobha Murmu, aged about 56 years, W/o Sri Chintamani Soren, Resident of Mohalla-Rahikpur Kurwa, P.O & P.S and District Dumka Jharkhand

.....Petitioner

Versus

1. The State of Jharkhand through the Secretary, Department of Primary, Secondary and Mass Education, Govt. of Jharkhand, Project Building, P.O& P.S- Dhurwa, District Ranchi(Jharkhand)
2. The Director, Secondary Education, Jharkhand, Project Buidling, Dhurwa, P.O & P.S-Dhurwa, District Ranchi, Jharkhand
3. The Regional Deputy Director of Education, Santhal Pargana Division, Dumka, P.O, P.S and District Dumka (Jharkhand)
4. The District Education Officer, Dumka, P.O & P.S and District Dumka Jharkhand

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Ms. Anjani Kr. Verma, Advocate

For the Respondents: Mr. Sachin Kumar, Advocate

20/ Dated: 06.05.2026

1. The instant writ application has been preferred by the petitioner for the following relief(s):-

i. For quashing of the Memo No. 2609 dated 24.9.2018 (Annexure-11) issued by the Resp. No. 2, by which after serving more than 29 years continuous service as Craft Teacher, without holding any regular departmental enquiry in regular manner, the major punishment such as removal from service has been imposed upon the petitioner, alleging that in the year 1989 at the time of initial appointment of the petitioner, she having Diploma in Craft for One Year in place of Two years equivalent to BTC was recommended for appointment by a Select Committee constituted for the purpose and was given regular appointment without obtaining roaster clearance and following reservation roaster, as such the imposition of the punishment of dismissal from service is not only illegal and unconstitutional but also harsh and disproportionate as per the settled principles of law.

ii) For reinstatement of the petitioner in service with all consequential benefits such as arrears of salary, seniority etc.

iii) For grant of such other relief/reliefs for which the petitioner would be entitled in the facts and circumstances of the case.

2. The brief facts of the case as per the pleadings is that the petitioner was working on the post of Craft Teacher in Govt. Girls High School, Dumka since 27.2.1989 i.e. since last more than 29 years continuously after being duly appointed after advertisement, interview etc. vide Office Order issued vide Memo No. 2005-16 dated 13.2.1989 by the Inspector of Schools -cum- Deputy Director Education, Bihar, Patna and the petitioner, who belongs to ST Category completed one year Training in Sewing Cutting from the Govt. Mahila Sewing Cutting Training -cum- Production Centre, Rashikpur, Dumka being run by the Industry Department, Bihar in the session 1983-1984 and the petitioner was granted Certificate by the General Manager, District Industries Centre, Dumka on 29.4.1986 and thereafter completed one year Training in session 1986-87 in Embroidery and Needle Work from I.T.I., Dumka (Mahila) and the petitioner was granted Certificate by the Principal, I.T.I., Dumka on 12.1.1988 as such the petitioner has completed Two Years Training in Craft from the Govt. institutions.
3. The petitioner being Matriculate and belonging to ST Category along with others also applied for her appointment as Craft Teacher and after interview on 23.5.1988 was called for Practical Interview vide Memo No. 770 dated 12.1.1989 issued by the Inspector of Schools-cum- Deputy Director Education, Bihar, Patna, in pursuant to the advertisement published in the month of

March'1988 for appointment on the post of Craft Teachers, Music Teachers etc. applications were invited from the eligible candidates in the pay scale of Rs. 730-1080/-.

4. Thereafter, as per the Selection List prepared on the basis of the recommendation of Establishment Committee of Lower Subordinate Service(Women's Branch), the petitioner was duly appointed against the vacant post of Craft Teacher in Govt. Girls High School, Dumka in the pay scale of Rs. 730-1080/- vide Office Order issued vide Memo No. 2005-16 dated 13.2.1989 by the Inspector of Schools-cum-Deputy Director Education, Bihar, Patna.
5. Thereafter, suddenly in the year 2010, after serving for more than 21 years, vide Letter No. 1431 dated 4.12.2010 issued by the Resp. No. 4, the petitioner was directed to appear before the Resp. No.3 along with an order issued vide Memo No. 4143 dated 7.9.2010 issued by the Resp. No. 3 mentioning therein that in pursuant to the Inquiry Report submitted by the C.B.I., on the ground of appointment of the petitioner being irregular and illegal, a departmental enquiry is being contemplated and the Regional Deputy Director of Education, Santhal Pargana Division, Dumka (Resp. No.3) is being appointed as Inquiry Officer and the Resp. No. 4 has been appointed as Conducting Officer along with a one page Charge Memo issued vide Memo No. 4146 dated 8.9.2010 issued by the Resp. No.2 without any enclosure/evidences etc..
6. On 8.12.2010, the petitioner submitted a representation before the Resp. No.3 requesting time to file reply, then again the petitioner submitted the reply to the Charge Memo on 21.12.2010 before the Resp. No.3, refuting all

the allegations and requested the said authority to exonerate her from the so called baseless charges.

7. Thereafter vide Memo No. 1149 dated 3.5.2012 issued by the Resp. No.2, the petitioner was asked second show cause enclosing enquiry report submitted by the inquiry officer i.e. the Resp. No.3., accordingly, the petitioner submitted reply to the Second Show Cause Notice issued vide aforesaid Memo No. 1149 dated 3.5.2012 before the Director, Secondary Education, Jharkhand (Resp. No.2) refuting all the charges as alleged and lastly having unblemished service of more than 21 years; requested the said authority to exonerate her from baseless charges.
8. After lapse of more than 6 years vide Memo No.2609 dated 24.9.2018 issued by the Director, Secondary Education, Jharkhand (Resp. No.2), the departmental proceeding has been closed imposing punishment of dismissal from service with immediate effect as per Rule 14 (xi) of Jharkhand Government Servant (Classification, Control and Appeal) Rules, 2016.
9. The grievance of the petitioner is that she has been terminated on the ground that the reservation roster was not followed at the time of initial appointment. From record it appears that the petitioner was appointed in the year 1989 and the termination order is of the year 2018, and for all these long years, the petitioner worked diligently before the respondents.
10. However, all of a sudden, this issue has been raised that initially her appointment was not in accordance with law.

11. Learned counsel for the petitioner contended that similar issue was raised before this Court in *WP(S) No. 7051 of 2019*, wherein the co-employee was also terminated and the said case was allowed. Further, the issue with regard to initial appointment being irregular has also been set at rest in the case of *Jaggo v. Union of India*¹.
12. Learned counsel for the respondent fairly submits that the issue involved in this writ application is same with that of *WP(S) No. 6023 of 2018*, which was relied upon in the case of *WP(S) No. 7051 of 2019*, and accordingly the same order may be passed in this case also. The counsel further submits that till date she is having no information as to whether this order has been assailed or not.
13. Having regard to the aforesaid facts and circumstances and in light of the order passed by this Court in *W.P(S) No. 6023 of 2018* and *W.P(S) No. 7051 of 2019* respectively, the impugned order dated 24.09.2018 is quashed and set aside, with a further direction to the respondent to pay all the consequential benefits in the same manner; what has been paid to the petitioner in the case of *W.P.(S) No. 6023 of 2018*.
14. Accordingly, this writ application stands allowed.

(Deepak Roshan, J.)

Abha/-

06.05.2026

¹ 2024 SCC OnLine SC 3826