

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No. 76 of 2021

(Anup Chandra Mishra Vs. the State of Jharkhand & Ors.)

With

W.P.(C). No. 4843 of 2021

(Vidur Kumar Dwiwedy & Anr. Vs. the State of Jharkhand & Ors.)

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

For the Petitioners : Mr. Mahesh Tewari, Advocate
For the State : Mr. M.L. Yadav, SC(L&C)
For the JAC : Mrs. Richa Sanchita, Advocate.
: Ms. Pinky Shaw, Advocate.

17/Dated: 30.08.2024

Heard the parties.

2. In pursuance to the orders dated 18.06.2024 and 09.08.2024, Mr. Binod Kumar, District Education Officer, Deoghar is physically present in the Court and submits that he had already written a letter to the Department for direction for compliance of the Court's order. The Department has advised for preferring an L.P.A. and accordingly, the same has been preferred.

3. It appears that the State as well as other respondents are hand in glove with each other. When the order of the Court was not complied with, the contempt was filed by the petitioner. In contempt, an affidavit was filed by the principal of the school as well as the State that order of the Court has been complied with and salary has been paid to the petitioner. On the affidavits of the Opposite parties, the contempt was dropped. The petitioner was compelled to file a review application, as he had not received a single farthing in the head of salary from the respondents.

4. In the review application, the respondent-District Education Officer, Deoghar as well as the Secretary of the Jharkhand Academic Council were summoned and asked to be physically present in the Court. Today, the Secretary of the Jharkhand Academic Council is not physically present and is being represented by the learned counsel, Mrs. Richa Sanchita.

5. Learned counsel for the petitioner, Mr. Mahesh Tewari, brings to the notice of the Court that till date, not a single farthing has been paid to the petitioner. The Respondents have intentionally filed false affidavit before this Court, which in itself is contemptuous and criminal act is made out for filing a false affidavit. The Court should take cognizance of the same. Learned counsel submits that instead of complying the Court's order, the Respondents have preferred L.P.A. after six long years. This also shows the callous approach of the respondents.

6. This Court is of the view that the petitioner, a poor teacher is unnecessarily being harassed by the respondents. It has been brought to the notice of the Court that affiliation of the said School and grant-in-aid has been stopped from 2019. It is a case where the petitioner was working in the said School from the year 1990 and has continuously worked for more than 26 years.

7. At that point of time, the school was getting grant-in-aid from the State. The District Education Officer, Deoghar has not bothered to enquire the matter, neither the Department has taken any initiative for enquiring the matter as to why not the petitioner was getting the salary even after order of this Court.

8. Earlier the legality, propriety and genuineness of the appointment of the petitioner was challenged and when the same was quashed and set aside, the order of the Court attained finality and even the Department has not preferred any Letters Patent Appeal, it was incumbent upon the respondents to comply the order of the Court. It is only after disposal of the contempt that this review application has been filed, when it was found that the respondents were at fault by not complying the orders of the Court in not making payment, hurriedly they have been advised to prefer L.P.A. This shows the mala fide intention of the Respondent-State. The Jharkhand Academic Council has also never taken any initiative to enquire the matter as to under what circumstances, the petitioner did not receive any payment. The stand of the Jharkhand Academic Council that they had not sanctioned the post nor the appointment

was found to be genuine is also not acceptable to this Court after the order passed by this Court on 17.12.2018. The Respondent-JAC and the State both are held to be liable for harassing the poor petitioner.

9. The State is at liberty to prefer the L.P.A. The same has been done, but it was incumbent upon the State to comply the orders of the Court. The State as well as the Jharkhand Academic Council is saddled with a cost of Rs.1,00,000/- (Rupees One Lakh) to be paid to the poor petitioner within a period of four weeks. The amount shall be recovered from the salary of the erring officials i.e. the Secretary of the Jharkhand Academic Council as well as the District Education Officer, Deoghar, who are responsible for not complying the Court's order and for filing false affidavit before this Court.

10. Put up this case on 18.10.2024.

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