

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 633 of 2025
The State of Jharkhand, through the Secretary/Principal Secretary,
School Education and Literacy Department, Ranchi & Others

..... Appellants
Versus
Father Gregory Kullu & Another
..... Respondents

CORAM
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants:	Mr. Shahbaj Akhtar, A.C. to A.A.G.-III
For the Respondents:	Mr. Manoj Tandon, Advocate
	Ms. Neha Bhardwaj, Advocate
	Ms. Shivani Bhardwaj, Advocate

04/19.01.2026

I.A. No. 2983 of 2025:

1. Heard learned counsel for the parties.
2. The present interlocutory application seeks condonation of delay of 62 days in instituting this appeal.
3. On perusing the averments made in the interlocutory application, we are satisfied that sufficient cause has been made out.
4. The reasons for the delay have been set out in paragraph Nos. 5 to 11 and such reasons qualify sufficient cause. The delay is even otherwise, not quite inordinate.
5. Accordingly, the delay is condoned and the present interlocutory application is disposed of.

L.P.A. No. 633 of 2025:

6. With the consent of learned counsel for the parties, this appeal is taken up for consideration consequent upon condonation of delay.
7. Arguable issues are raised in this appeal and therefore we admit the same.
8. Learned Single Judge has relied upon a decision rendered in the case of ***Rizwana Khatoon vs. State of Jharkhand & Others***

with analogous cases reported in ***2023 SCC OnLine Jhar 1975***.

9. Learned counsel for the appellants, however, relies upon the Jharkhand Government Secondary School Teachers and Non-Teaching Employees Appointment and Service Conditions Rules, 2015, which prima facie suggests that the upper age limit for appointment is 50 years. This contention was specifically raised by the appellants in their turn, but that does not seem to have been considered.
10. Learned counsel for the appellants also relies on a decision rendered in ***Parmita Mazmudar vs. The State of Jharkhand & Ors. (L.P.A. No. 140 of 2019)*** and submits that the Division Bench of this Court has held that even a government-aided minority institution cannot fix an age norm different from that has been fixed for non-minority institutions for appointment on the post of teacher. This decision was rendered on 14.06.2023 and the same does not appear to have been considered in ***Rizwana Khatoon*** (supra), which was decided on 01.08.2023.
11. Learned counsel for the respondents, no doubt, contended that Section 18 of the Bihar (now Jharkhand) non-Government Secondary School (Taking Over of Management and Control) Act, 1981 prescribes that no grant shall be admissible for payment of salary to a teacher or a non-teaching staff, if appointed or retained beyond 58 years of age. He contended that now this Rule is quite clear that the upper age limit for appointment would be 58 years and only those teachers appointed beyond 58 years of age would be disentitled to grant or no grant would be admissible for payment of their salary. He further points out that even assuming

that there is some conflict between the Rule and the Act, it is the Act, which will ultimately prevail.

12. Precisely, because arguable issues are involved in this matter, we have admitted this appeal. We also propose to post this appeal for final disposal at an early date.

13. Accordingly, list this appeal for final disposal on 25.03.2026 at 2:15 PM, subject to override part heard matters.

14. Until this appeal is finally disposed of, we stay the directions issued in the impugned order.

15. The State must proceed with this appeal on the fixed date without seeking any adjournment.

16. I.A. No. 2984 of 2025 is disposed of as we have already granted interim relief.

17. Learned counsel for the parties to file short synopsis of the arguments along with compilation of the decisions which they seek to rely upon.

(M. S. Sonak, C.J.)

(RAJESH SHANKAR, J.)