

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 5445 of 2016

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Rosebell Kachhap wife of A. Toppo, resident of Village Itkil Amanpur, near Railway Station, Itki P.O. and P.S. Itki, District Ranchi. Petitioner

-V e r s u s-

1. The State of Jharkhand.
2. The Director, Secondary Education, Govt. of Jharkhand, Telephone Bhawan, Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.
3. The District Education Officer, Ranchi, P.O. and P.S. Ranchi, District Ranchi.
4. Secretary/Headmistress, St. Igne's Girls High School, Itki, P.O. and P.S. Itki, District Ranchi ... Respondents

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CORAM: - HON'BLE MR. JUSTICE PRAMATH PATNAIK.

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For the Petitioner :- M/s M.M. Pan and Krishna Nand Sahay, Advocates.

For the Respondents :- J.C. to S.C. (L&C).

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03/30.09.2016 Heard Mr. Krishna Nand Sahay learned counsel for the petitioner and learned J.C. to S.C. (L&C) appearing for the respondents-State.

2. The petitioner is said to have retired on 31.01.2007 as Assistant Teacher from St. Igne's Girls High School, Itki, Ranchi. It is the contention of the petitioner that the school in question is an Aided Minority High School and all expenses towards payment of salary and retirement benefits of the school employees has been funded by the State Government from the public exchequer. The petitioner is also getting pension on the basis of the pension payment order issued by the office of the Accountant General.

3. In the present writ application, the grievance of the petitioner is in relation to non-payment of leave encashment amount on the earned leave outstanding against her. She has also stated that other post retiral dues have already been paid and that salary and post retirement benefit have been paid out of grant-in-aid provided by the State Government.

4. Mr. Krishna Nand Sahay, learned counsel for the petitioner submits that though, the claim of the petitioner was resisted earlier by the respondent-State Government, but the issue has now been settled in view of the judgment rendered by the learned Division Bench of this Court in the case of ***Mariyam Tirkey Vrs. The State of Jharkhand & others*** in ***W.P.(S) No. 506 of 2013 and analogous cases*** dated 3rd

January, 2014 which has also been reported in **2014 (1) JBCJ 465** and now upheld up to the Hon'ble Supreme Court vide judgment dated 15.12.2014 passed in **Special Leave to Appeal (C) No(s) 20606-20607/2014**. According to the petitioner, the writ petition may be disposed of in view of the judgment rendered as aforesaid by the learned Division Bench and affirmed up to the Hon'ble Supreme Court, by directing the respondents to pay the earned leave encashment amount to the petitioner.

5. Learned J.C. to S.C. (L&C) appearing for the respondents-State does not dispute that the aforesaid issue relating to admissibility of the earned leave encashment amount to the teachers of Non-Government/Aided Minority School has now been decided by the judgment rendered in the case of ***Mariyam Tirkey (Supra)*** and affirmed up to the Hon'ble Supreme Court.

6. Having heard learned counsel for the parties, in such circumstances, the writ petition is being disposed of by directing the respondent no. 3, District Education Officer, Ranchi to take a decision in the matter of grant of leave encashment amount to the petitioner after due scrutiny of her relevant service records and in view of the judgment rendered in the case of ***Mariyam Tirkey (Supra)*** within a period of ten weeks from the date of receipt of a copy of this order along with the representation on behalf of the petitioner.

7. The writ petition is accordingly disposed of.

(Pramath Patnaik, J.)

APK