

IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P.(S) No. 4036 of 2017

Mary Natalia Kujur, wife of Arik Ekka, resident of Village and PO-Gumla, PS-Gumla, District-Gumla Petitioner

--Versus--

1. The State of Jharkhand, through its Chief Secretary, Government of Jharkhand, Project Bhawan, PO & PS-Dhurwa, District-Ranchi
2. Director, Primary Education, School Education & Literacy Department, Government of Jharkhand, Project Bhawan, PO & PS-Dhurwa, District-Ranchi
3. Deputy Commissioner cum Chairman, District Education Establishment Committee, Palamau, PO & PS-Daltonganj, District-Palamau
4. District Superintendent of Education, Palamau, PO & PS-Daltonganj, District-Palamau
5. Inspectress of Schools, Palamau, PO & PS-Daltonganj, District-Palamau
6. Secretary, Mission Girls' Middle School, Abadganj, PO-Abadganj, PS-Daltonganj, District-Palamau Respondents

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner	:	Mr. Ajit Kumar, Advocate
For the State	:	JC to Sr.SC-I

4/ 31.10.2017 Prayer in the writ petition is for a direction upon the respondent-State for payment of leave encashment to the petitioner.

2. Petitioner claims that she was appointed as Assistant Teacher in Mission Girls Middle School, Abadganj, Palamau on 06.01.1975 and she superannuated from service on 31.05.2005. It is pleaded that Mission Girls Middle School, Abadganj, Palamau is a government-aided minority school. Petitioner has been granted pension for which necessary PPO has been issued, however, leave encashment amount has not been paid to her.

3. Referring to a decision in "Mariyam Tirkey Vs. State of Jharkhand & Ors." reported in 2014(1) JBCJ 465, the learned counsel for the petitioner submits that the issue, whether teaching

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and non-teaching employees of aided/unaided minority institutions can be paid leave encashment or not, has been authoritatively decided by a Division Bench of this Court in the said case. It is contended that leave encashment partakes the nature of salary and it is a statutory right of the employees such as, the petitioner employed in the minority institutions.

4. In view of the decision in Mariyam Tirkey, I am not inclined to invite an affidavit-in-opposition from the respondent-State. The learned State counsel, however, submits that payment of leave encashment is not automatic to all the employees in the minority institutions rather, it shall be paid to only those employees who were appointed within the sanctioned strength and whose name is reflected in the proposition statement duly approved by the competent authority.

5. Considering the aforesaid facts, the writ petition stands disposed of with a direction to the District Superintendent of Education, Palamau- respondent no.4 to pay leave encashment to the petitioner, within six weeks provided, her name appears in the proposition statement duly approved by the competent authority.

6. The writ petition stands disposed of.

(Shree Chandrashekhar, J.)

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