

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 976 of 2017

1. Hardugan Surin S/O Lt. Mansukh Surin R/O Vill.+ PO-Pimpi, P.S.- Kamdara, Dist.- Gumla Jharkhand
2. Jakaria Topno S/O Lt. Masihdas Topno R/O vill. + PO- Sarita, P.S. - Kamdara, Dist.- Gumla, Jharkhand
3. Premdan Lugun S/o Lt. Junas Surin R/O Vill- Gundu Hazam Road, P.O Hulhundu, PS- Namkum, Ranchi Jharkhand
4. Ashok Nath Deogharia S/O Lt. Kalindra Nath Deogharia R/O vill.- Loenga, PO- Gara, P.S.- Kamdara, Dist. - Gumla- Jharkhand
5. Bahadur Guria W/O Lt. Titus Guria R/O- Vill.- Raikera, PO - Pokla, PS- Kamdara, Dist.- Gumla, Jharkhand
6. Shishir Kerketta S/o Lt. Joseph Topno R/O Vill- Kamdara Bartoli, PO+ P.S.- Kamdara, Dist.- Gumla Jharkhand
7. Sisiliya Bhengra W/O Shri Benedict Topno R/O Vill- Kudda, PO- Pakla, P.S. - Kamdara, Dist.- Gumla Jharkhand
8. Carolina Kerketta W/O Late Remish Bilung R/O Vill+ PO- Konbir Nawatoli, P.S. - Basia, Dist.- Gumla Jharkand
9. John Givson Topno S/O Late Joseph Topno R/O Vill- Karra, P.O.- Marcha, P.S.- Rania, Dist.- Khunti Jharkhand
10. Susana Mundu W/O Late James Surin R/O vill- Titihi Burhatoli, PO- Sarita, P.S.- Kamdara, Dist.- Gumla Jharkhand
11. Juliyana Horo W/O shri Karlus Surin R/O vill- + P.O. - Salegututu P.S.- Kamdara, Dist.- Gumla Jharkhand
12. Susana Suren W/O Lt. John Topno R/O Vill- Kudda Sarmatoli PO- Pokla, P.S.- Kamdara, Dist- Gumla Jharkhand
13. Kripa Topno W/O Shri Mansukh Surin R/O Vill+ Po- Pimpi, P.S. Kamdara, Dist.- Gumla
14. Paulus Topno S/O Lt. Manmasih Topno R/O vill- Turundu, PO- Pokla, P.S.- Kamdara, Dist. Gumla
15. Santosh Topno S/o Late Royan Topno R/O Vill- Ulihatu, PO- Pakna, P.S.- Rania, Dist- Khunti Jharkhand

..... .. **Petitioners**

Versus

- 1.The State of Jharkhand through the Secretary, Human Resources Development Department, Government of Jharkhand, Project Building, Dhurwa, P.O - Dhurwa, P.S. Jagannathpur, District-Ranchi.
- 2.The Director, Primary Education, Human Resources Development Department, Government of Jharkhand, Project Building, Dhurwa, P.O - Dhurwa, P.S. Jagannathpur, District-Ranchi.
- 3.The District Superintendent of Education, Gumla At Gumla, P.O P.S. -District-Gumla, Jharkhand.

Respondents

CORAM: HON'BLE MR. JUSTICE PRAMATH PATNAIK

For the Petitioners : Mr. Kripa Shankar Nanda, Advocate.
For the Respondents : J.C to G.A

02/Dated: 28th February, 2017

Per Pramath Patnaik, J.:

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioners submitted that the petitioners are retired teacher of minority Primary Schools, details of the individual are being shown in the chart given below:

| Sl No | Name of the petitioner/Teacher | Name of the School | Circle | Date of appointment | Date of Retirement |
|-------|--------------------------------|--------------------|--------|---------------------|--------------------|
|-------|--------------------------------|--------------------|--------|---------------------|--------------------|

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|-----|-------------------------|---|---------|----------|----------|
| 1. | Hardugan Surin | G.E.L. Primary School Pimpi Dist. Gumla | Kamdara | 1.04.67 | 31.10.07 |
| 2. | Jakaria Topno | G.E.L. Primary School Pimpi Dist. Gumla | Kamdara | 22.12.81 | 31.1.13 |
| 3. | Premdan Lugun | G.E.L. Primary School Pakra Dist. Gumla | Kamdara | 15.3.84 | 30.4.10 |
| 4. | Ashok Nath Deogharia | G.E.L. Primary School Pakra Dist. Gumla | Kamdara | 15.3.84 | 30.6.14 |
| 5. | Bahadur Guria | G.E.L. Primary School Kotbo Dist. Gumla | Kamdara | 7.03.89 | 31.8.14 |
| 6. | Shishir Kerketta | G.E.L. Primary School Kotbo Dist. Gumla | Kamdara | 22.12.81 | 31.12.14 |
| 7. | Sisiliya Bhengra | R.C. Primary School Turundu Dist. Gumla | Kamdara | 01.3.82 | 31.7.09 |
| 8. | Corolina Kerketta | R.C. Primary School Turundu Dist. Gumla | Kamdara | 14.3.85 | 30.6.10 |
| 9. | John Givson Topno | R.C. Primary School Turundu Dist. Gumla | Kamdara | 1.5.81 | 31.12.12 |
| 10. | Susana Munda | R.C. Primary School Kisni Dist. Gumla | Kamdara | 29.01.76 | 31.10.14 |
| 11. | Juliyaya Horo | R.C. Primary School Saleguta Dist. Gumla | Kamdara | 16.1.82 | 31.12.15 |
| 12. | Susana Suren | S.P.G. Primary School Pokla Dist. Gumla | Kamdara | 29.1.76 | 31.8.11 |
| 13. | Kripa Topno | G.E.L. Primary School Pimpi Dist. Gumla | Kamdara | 12.06.78 | 31.3.12 |
| 14. | Paulus Topno | G.E.L. Primary School Bongda Dist. Gumla | Kamdara | 1.3.80 | 31.3.09 |
| 15. | Santosh Topno | G.E.L. Primary School Pimpi Dist. Gumla | Kamdara | 1.1.71 | 31.5.05s |

3. It is the contention of the petitioners that the schools in question are Aided Minority Schools 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 petitioners are also getting pension on the basis of the pension payment order issued by the office of the Accountant General.

4. In the present writ application, the grievance of the petitioners is in relation to non-payment of leave encashment amount on the earned leave outstanding against them. They have 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.

5. Mr. Kripa Shankar Nanda, learned counsel for the petitioners submits that though, the claim of the petitioners 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 petitioners, 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.

6. Learned counsel appearing for the Respondent-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.

7. 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, Gumla to take a decision in the matter of grant of leave encashment amount to the petitioners after due scrutiny of his 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 petitioners.

8. The writ petition is accordingly disposed of.

(Pramath Patnaik, J.)