

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (Civil) No. 861 of 2024

....

Deepak Kumar, Aged about 49 years, son of Late Gopal Prasad,
Resident of Krishnapuri Road No. 6, Chutia, PO & PS- Chutia,
District- Ranchi **.....Petitioner**

Versus

1. The State of Jharkhand
2. Uma Shankar Singh, Secretary, School Education and Literacy Department, Government of Jharkhand
3. Utkarsh Gupta, Director, Secondary Education, Human Resource Development Department, Jharkhand
4. Vinay Kumar, District Education Officer, Ranchi
5. Ghewar Chand Nahata, Secretary, Sri Doranda Balika Uchch Vidyalaya, Doranda, P.O and P.S-Doranda, District-Ranchi.
6. Upama Pal, Head Mistress, Sri Doranda Balika Uchch Vidyalaya, Doranda, P.O and P.S-Doranda, District-Ranchi.

.....Opp. Parties

With

Cont. Case (Civil) No. 874 of 2024

....

Rashmi Prasad, Aged about 53 years, wife of Ravi Bhushan Prasad Amar, resident of Aryapuri, Ratu Road, PO GPO, PS- Sukhdeo Nagar District- Ranchi **.....Petitioner**

Versus

1. The State of Jharkhand
2. Uma Shankar Singh, son of Not known Secretary, School Education and Literacy Department, Government of Jharkhand officiating at Project Building, PO & PS-Dhurwa, District-Ranchi

.....Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Rajendra Krishna, Advocate
Mrs. Neeta Krishna, Advocate

For the Opp. Parties : Mr. Jayant Franklin Toppo GA-V
Mr. Neil Abhijit Toppo, AC to GA-V

I. A. No. 12851 of 2024 in Cont. Case (Civil) No. 861 of 2024
I. A. No. 12325 of 2024 in Cont. Case (Civil) No. 874 of 2024

06/02.12.2024 I. A. No. 12851 of 2024 [in Cont. Case (Civil) No. 861 of 2024] has been filed on behalf of the opposite party no. 3 for exemption from appearance before this Court in compliance of the

order dated 12.11.2024.

2. I. A. No. 12325 of 2024 [in Cont. Case (Civil) No. 874 of 2024] has been filed on behalf of the opposite party no. 2 praying for grant of further ten (10) weeks' time to file appropriate show cause.

3. Heard learned counsel for the petitioners and learned GA-V for the State.

4. Mr. Jayant Franklin Toppo, learned GA-V has submitted that due to personal difficulty, the opposite party no, 3, Director, Secondary Education, Government of Jharkhand has not come today. However, Sri Kunwar Singh Pahan, Joint Secretary, Secondary Education, Government of Jharkhand and Sri Vinay Kumar, DEO, Ranchi are present.

5. Learned GA-V has submitted that they have to prefer LPA against the order passed by this Court i.e. W. (P) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 and as such, prays for ten (10) days' time.

6. Today opposite party no. 4, Sri Vinay Kumar, DEO, Ranchi is present before this Court. However, the opposite party no. 3, Aditya Ranjan, Director, Secondary Education, Human Resource Development Department, Jharkhand is not present before this Court today.

7. This Court had taken liberal view on 12.11.2024 when the opposite party no. 2, Uma Shankar Singh, In-charge Secretary, School Education and Literacy Department, Government of Jharkhand and the opposite party no. 3, Aditya Ranjan, Director, Secondary Education, Human Resource Development Department, Jharkhand were present in Court and it was stated by Sri Ashutosh Anand, the learned AAG-III in their presence before this Court that they are likely to comply with the order dated 23.01.2024

passed by this Court in W. P. (S) No. 4418 of 2016 and W. P. (S) No. 4074 of 2016. This Court had exempted the personal appearance of the opposite party no. 2, Uma Shankar Singh, In-charge Secretary, School Education and Literacy Department, Government of Jharkhand. However, this Court had directed the opposite party no. 3, Aditya Ranjan, Director, Secondary Education, Human Resource Development Department, Jharkhand and the opposite party no. 4 to remain physically present before this Court on the next date fixed i.e. on 25.11.2024.

8. On the last occasion i.e. on 12.11.2024, Mr. Ashutosh Anand, learned AAG-III had appeared and withdrawn the I. A. No. 11595 of 2024 by which they had challenged the order dated 23.01.2024 passed in W. (P) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 on merit of the case by filing Interlocutory Application.

9. It appears that both these petitioners had earlier filed W. P. (S) No. 2650 of 2012 and W. P. (S) No. 2657 of 2012, which were disposed of by the Co-ordinate Bench of this Court (Hon'ble Mr. Justice D. N. Patel as then his Lordship was) by which the Co-ordinate Bench of this Court had directed the State Authorities to decide the case of the petitioners by passing a detailed speaking order in accordance with law. However, order dated 08.01.2013 was passed by then Director, Secondary Education, Government of Jharkhand by which the representations of the petitioners was rejected and which was challenged by these petitioners by filing W. P. (S) No. 1621 of 2013 and W. P. (S) No. 1653 of 2013 and which were allowed vide order dated 20.08.2015 by the Co-ordinate Bench of this Court (Hon'ble Mr. Justice Aparesh Kumar Singh as then His Lordship was) by passing a detailed reasoned order by observing that the impugned orders dated

08.01.2013 rejecting the approval of appointment of the petitioners has been passed without proper application of mind by the Director (Secondary Education), H.R.D. Department, Government of Jharkhand and the Respondent no. 6 was directed to take a considered decision in the matter in accordance with law. However, the claims of the writ petitioners were again rejected vide order dated 21.06.2016 by then Respondent No. 2, i.e. then Secretary, School Education and Literacy Department, Government of Jharkhand, which was quashed by this Court in W. P. (S) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 vide order dated 23.01.2024.

Thus, this was the 3rd round of litigation due to improper approach of the Respondent Authorities by their own convenience and they are taking different stands.

10. This Court fails to understand the approach of the State Authorities, as time and again the petitioners have compelled to move before this Court for the wrong acts of the State Authorities of the Department particularly the Director, Secondary Education, Government of Jharkhand.

11. It is evident that the case of both these petitioners have been earlier decided on merit and disposed of by the Co-ordinate Bench of this Court (Hon'ble Mr. Justice Aparesh Kumar Singh as then His Lordship was) in W. P. (S) No. 1621 of 2013 alongwith W. P. (S) No. 1653 of 2013 vide order dated 20.08.2015 by quashing the order dated 08.01.2013 passed by the Director (Secondary Education)-cum-Joint Secretary, Jharkhand, Ranchi with the observation to take considered decision in the matter, after considering the case of the parties in detail.

12. It is evident that the Secretary, School Education and Literacy Department, Government of Jharkhand instead of

considering the observation made by then Co-ordinate Bench of this Court (Hon'ble Mr. Justice Aparesh Kumar Singh as then His Lordship was) without preferring any LPA, had rejected the claim of these petitioners vide order dated 21.06.2016 without considering the observation made by the Co-ordinate Bench of this Court. The said order dated 21.06.2016 passed by the Secretary, School Education and Literacy Department, Government of Jharkhand has been quashed by this Court in W. P. (S) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 vide order dated 23.01.2024 with the direction to approve the services of these petitioners within the certain period.

13. Thereafter, when these cases were placed before this Court on 27.09.2024 and 01.10.2024, this Court had issued show cause notice to the opposite party nos. 2 to 6 as to why a proceeding of contempt be not initiated against them for not complying with the order dated 23.01.2024 passed by this Court in W. P. (S) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 and the Secretary, School Education and Literacy Department, Government of Jharkhand and the Director, Secondary Education, Government of Jharkhand were directed to remain physically present on 12.11.2024 before this Court vide order dated 23.10.2024. On that occasion, they had also prayed for ten (10) weeks' time.

14. On 12.11.2024, the opposite party no. 2, Uma Shankar Singh, In-charge Secretary, School Education and Literacy Department, Government of Jharkhand and the opposite party no. 3, Aditya Ranjan, Director, Secondary Education, Human Resource Development Department, Jharkhand were present before this Court and however, even on 12.11.2024, the learned AAG-III had withdrawn the I. A. No. 11595 of 2024 with the

assurance to this Court that they may take suitable steps in compliance of the order passed by this Court in W. P. (S) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 respectively.

15. Therefore this Court had taken liberal view by exempting the personal appearance of the opposite party no. 2, Uma Shankar Singh, In-charge Secretary, School Education and Literacy Department, Government of Jharkhand, but had directed the opposite party no. 3, Aditya Ranjan, Director, Secondary Education, Human Resource Development Department, Jharkhand and the opposite party no. 4 to remain physically present before this Court on the next date fixed on 25.11.2024.

16. However, when the case is called out today i.e. on 02.12.2024, then the opposite party no. 3 is absent and I. A. No. 12851 of 2024 [in Cont. Case (Civil) No. 861 of 2024] has been filed by Mr. Jayant Franklin Toppo, learned GA-V for exemption of physical appearance of the opposite party no. 3.

17. Thus, it is evident that the State is changing its counsel at its own convenience and this Court deprecates the conduct of the Authorities of the State Government.

18. It is evident that the petitioners have been harassed by anything. It appears that the opposite party nos. 2 and 3 are trying to circumvent the order passed by this Court.

19. Under the circumstances, issue show cause notice to the opposite party nos. 2 and 3 as to why a proceeding of contempt be not initiated against them for violating the order passed in W. P. (S) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 by this Court. Opposite party no. 2 and the opposite party no. 3 must file their respective show cause on that date, failing which the Court may draw adverse inference against them.

20. I. A. No. 12851 of 2024 [in Cont. Case (Civil) No. 861 of

2024] stands rejected.

21. I. A. No. 12325 of 2024 [in Cont. Case (Civil) No. 874 of 2024] also stands rejected.

22. Put up these cases on 03.01.2025 as a first case along with the records of W. P. (S) No. 4074 of 2016 and W. P. (S) No. 4418 of 2016 and on that day, the opposite party nos. 2 to 4 must remain present before this Court.

Till then, the Secretary, School Education and Literacy Department, Government of Jharkhand and the Director, Secondary Education, Government of Jharkhand shall not draw any salary till further order of this Court.

23. Let a copy of this order be handed over to Mr. Jayant Franklin Toppo, learned GA-V for the needful.

(Sanjay Prasad, J.)

Kamlesh/