IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 283 of 2019

Englesh Dubey … … … …Petitioner

-Versus-

The State of Jharkhand & Ors. … … … Opposite Parties

With

Cont. (Cvl.) No. 340 of 2019, Cont. (Cvl.) No. 628 of 2019, Cont. (Cvl.) No. 705 of 2019, Cont. (Cvl.) No. 804 of 2019, Cont. (Cvl) No. 1016 of 2019, Cont. (Cvl) No. 868 of 2018, Cont. (Cvl) No.142 of 2019, Cont. (Cvl) No.294 of 2019, Cont. (Cvl) No. 341 of 2019, Cont. (Cvl) No. 345 of 2019, Cont. (Cvl) No. 347 of 2019, Cont. (Cvl) No. 375 of 2019, Cont. (Cvl) No. 377 of 2019, Cont. (Cvl) No. 453 of 2019, Cont. (Cvl) No. 457 of 2019, Cont. (Cvl) No. 458 of 2019, Cont. (Cvl) No. 461 of 2019, Cont. (Cvl) No. 302 of 2019, Cont. (Cvl) No. 517 of 2019, Cont. (Cvl) No. 519 of 2019, Cont. (Cvl) No. 520 of 2019, Cont. (Cvl) No. 522 of 2019, Cont. (Cvl) No. 525 of 2019, Cont. (Cvl) No. 527 of 2019, Cont. (Cvl) No. 532 of 2019, Cont. (Cvl) No. 285 of 2019, Cont. (Cvl) No. 234 of 2019, Cont. (Cvl) No. 205 of 2019, Cont. (Cvl) No. 516 of 2019

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

(Through: Video Conferencing)

For the Petitioners : Mr. Saurabh Shekhar, Advocate
Mr. Sanjay Kumar Pandey, Advocate
Mr. Bijay Kumar Pandey, Advocate
Mr. Amit Kumar Sinha, Advocate
Mr. Deva Kant Rai, Advocate

For the Opp. Parties : Mr. Manish Mishra, GP-V
Mr. Deepak Dubey, AC to AG
Mr. Ashok Kumar, AAG-IV
AC to Sr. SC-III
Mr. Shreenu Garapati, SC-IV

06/ 04.09.2020 In view of outbreak of COVID-19 pandemic, case has been taken up through Video Conferencing. Concerned lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 10:30 A.M. onwards. They have no complaint in respect to the audio and video clarity and quality.

In all these contempt applications, the order under offence is dated 05.09.2018 and the issue involved is regarding regularization of services of trained teachers and untrained teachers and payment of their salaries.

A consented order was passed in writ applications when the Secretary of the Department of Human Resources Development was physically present in the Court. This Courts fails to understand that as to why the consented order has been subject matter of challenge before the Hon'ble Division Bench when State itself consented to regularize the services and pay salaries to them and on the fresh corrigendum issued by the State, a direction was given by this Court. Even if, the State has preferred LPA before the Hon'ble Division Bench, it has been brought to the notice of this Court that more than 28 untrained teachers have been regularized in view of one order dated 14.09.2016, passed by this Court

in W.P.(S) No. 5994 of 2013 & other analogous cases. Even Review Application was preferred by the State against the said order, which stood dismissed and after Contempt Application was filed by the petitioner, the order of this Court dated 14.09.2016 has been complied with. However, after complying the said order, the State has chosen to prefer LPA being LPA No. 144 of 2020 before the Hon'ble Division Bench.

Mr. Shaurabh Shekhar, learned counsel for the petitioner submits that State has preferred LPA only against untrained Teachers and as such, order regarding trained Teachers have not been complied with though the same is not under challenge before the Hon'ble Division Bench.

On the other hand, Mr. Shreenu Garapati, learned counsel for the opposite parties very fairly submits that all the files regarding project girls high school, which are subject matter of LPA and also the contempt applications have been handed over to the office of the learned Advocate General to seek better guidance and instruction from the State. He further submits that as learned Advocate General is sick, he is not in a position to receive fresh instruction. However, he further submits that he will be comfortable to get instructions regarding the issue involved, within a period of two weeks'.

Since the LPA No. 138 of 2019 & other analogous cases are pending before the Hon'ble Division Bench, put up these cases after final outcome of LPA No. 138 of 2019 & other analogous cases.

(Dr. S.N. Pathak, J.)

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