

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P(S)/921/2011
(Bal Mohan Prasad and ors. Vs State of Jharkhand and Ors.)
with W.P(S)/971/2017
(Ram Krishna Yadav Vs. State of Jharkhand and Ors.)
with W.P(S)/1098/2013
(Praveen Kumar Pal Vs. State of Jharkhand and Ors.)
with W.P(S)/1118/2010
(Mangal Singh Hembrom Vs. Vs. State of Jharkhand and Ors.)
with W.P(S)/1200/2010
(Chandreshwar Prasad Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/1309/2017
(Rajesh Kumar Sharma Vs. State of Jharkhand and Ors.)
with W.P(S)/1558/2015
(Bharati Kumari Vs. State of Jharkhand and Ors.)
with W.P(S)/1872/2017
(Vivekanand Tiwary Vs. State of Jharkhand and Ors.)
with W.P(S)/2212/2016
(Ashok Kumar Mehta Vs. State of Jharkhand and Ors.)
with W.P(S)/2224/2017
(Ram Kumar Sahu Vs. State of Jharkhand and Ors.)
with W.P(S)/2262/2017
(Muneshwar Mahato Vs. State of Jharkhand and Ors.)
with W.P(S)/230/2015
(Smt Asha Jha Vs. State of Jharkhand and Ors.)
with W.P(S)/2333/2016
(Dinanath Ram Vs. State of Jharkhand and Ors.)
with W.P(S)/2341/2017
(Brahmadeo Pandey Vs. State of Jharkhand and Ors.)
with W.P(S)/2429/2016
(Pradyot Kumar Mandal Vs. State of Jharkhand and Ors.)
with W.P(S)/2433/2015
(Gandru Bhagat Vs. State of Jharkhand and Ors.)
with W.P(S)/2457/2017
(Shashi Bhushan Saw and Anr. Vs. State of Jharkhand and Ors.)
with W.P(S)/2468/2017
(Yashwanti Sawaiyan & Ors. Vs. State of Jharkhand and Ors.)
with W.P(S)/2503/2016
(Gaybaali Nayek Vs. State of Jharkhand and Ors.)
with W.P(S)/2537/2013
(Sakaldeo Barnwal Vs. State of Jharkhand and Ors.)
with W.P(S)/2546/2017
(Pawan Kumar Mishra Vs. State of Jharkhand and Ors.)
with W.P(S)/2623/2011
(Navin Kumar and Ors. Vs. State of Jharkhand and Ors.)
with W.P(S)/2627/2015
(Indrasan Mahto Vs. State of Jharkhand and Ors.)
with W.P(S)/2819/2017
(Bijay Kumar Arya Vs. State of Jharkhand and Ors.)
with W.P(S)/28/2017
(Ashutosh Kumar Vs. State of Jharkhand and Ors.)
with W.P(S)/2882/2017
(Shailesh Kumar Hembrom Vs. State of Jharkhand and Ors.)
with W.P(S)/2885/2017
(Shila Rani Saha Vs. State of Jharkhand and Ors.)

- with W.P(S)/2905/2017**
(Gaur Chandra Madina Vs. State of Jharkhand and Ors.)
- with W.P(S)/29/2017**
(Lowin Chandra Ray Vs. State of Jharkhand and Ors.)
- with W.P(S)/2933/2017**
(Abdul Latif Ansari Vs. State of Jharkhand and Ors.)
- with W.P(S)/2967/2017**
(Prabhakar Mishra Vs. State of Jharkhand and Ors.)
- with W.P(S)/2996/2017**
(Madhav Chandra Kunkal Vs. State of Jharkhand and Ors.)
- with W.P(S)/3116/2016**
(Esther Toppo Vs. State of Jharkhand and Ors.)
- with W.P(S)/3290/2017**
(Binod Kumar Vs. State of Jharkhand and Ors.)
- with W.P(S)/3433/2014**
(Shambhu Nath Dubey Vs. State of Jharkhand and Ors.)
- with W.P(S)/3459/2017**
(Punam Sahay Vs. State of Jharkhand and Ors.)
- with W.P(S)/3461/2017**
(Shri Krishna Singh Vs. State of Jharkhand and Ors.)
- with W.P(S)/3600/2017**
(Rajendra Prasad Yadav Vs. State of Jharkhand and Ors.)
- with W.P(S)/3605/2017**
(Mahendra Prasad Yadav Vs. State of Jharkhand and Ors.)
- with W.P(S)/3670/2017**
(Englesh Dubey Vs. State of Jharkhand and Ors.)
- with W.P(S)/3671/2017**
(Birendra Kumar Tiwari Vs. State of Jharkhand and Ors.)
- with W.P(S)/3678/2017**
(Shiv Ashish Deep Vs. State of Jharkhand and Ors.)
- with W.P(S)/3679/2017**
(Shiv Sanjay Kumar Vs. State of Jharkhand and Ors.)
- with W.P(S)/3680/2017**
(Dilip Kumar Singh Vs. State of Jharkhand and Ors.)
- with W.P(S)/3681/2017**
(Rajiv Ranjan Vs. State of Jharkhand and Ors.)
- with W.P(S)/3682/2017**
(Santosh Kumar Gupta Vs. State of Jharkhand and Ors.)
- with W.P(S)/3684/2017**
(Rajeshwar Singh Vs. State of Jharkhand and Ors.)
- with W.P(S)/3733/2017**
(Lilam Kumari Vs. State of Jharkhand and Ors.)
- with W.P(S)/3737/2015**
(Satish Manjhi and Ors Vs. State of Jharkhand and Ors.)
- with W.P(S)/3749/2017**
(Shakaldeo Prasad Yadav Vs. State of Jharkhand and Ors.)
- with W.P(S)/3793/2017**
(Suresh Prasad Vs. State of Jharkhand and Ors.)
- with W.P(S)/3836/2017**
(Subhash Tudu Vs. State of Jharkhand and Ors.)
- with W.P(S)/3983/2016**
(Shyam Bihari Dubey Vs. State of Jharkhand and Ors.)
- with W.P(S)/3990/2017**
(Shashi Kant Choubey Vs. State of Jharkhand and Ors.)
- with W.P(S)/4091/2017**

- (Shobha Kumari Vs. State of Jharkhand and Ors.)
with W.P(S)/4094/2017
- (Ravindra Pathak Vs. State of Jharkhand and Ors.)
with W.P(S)/4104/2013
- (Rama Shankar Pradhan Vs. State of Jharkhand and Ors.)
with W.P(S)/4130/2017
- (Sulata Mandal Vs. State of Jharkhand and Ors.)
with W.P(S)/4157/2013
- (Ganesh Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/416/2017
- (Md Ishfaq Ahmad Vs. State of Jharkhand and Ors.)
with W.P(S)/420/2015
- (Kumari Vandana Vs. State of Jharkhand and Ors.)
with W.P(S)/4224/2017
- (Ramawatar Prasad and Anr Vs. State of Jharkhand and Ors.)
with W.P(S)/4304/2016
- (Sumati Jha Vs. State of Jharkhand and Ors.)
with W.P(S)/4352/2017
- (Harihar Prasad Saha Vs. State of Jharkhand and Ors.)
with W.P(S)/4399/2016
- (Madhubala Vs. State of Jharkhand and Ors.)
with W.P(S)/4418/2017
- (Sahodra Devi Vs. State of Jharkhand and Ors.)
with W.P(S)/4424/2017
- (Gloria Topno Vs. State of Jharkhand and Ors.)
with W.P(S)/4518/2017
- (Roya Ram Sinku Vs. State of Jharkhand and Ors.)
with W.P(S)/4565/2016
- (Puran Chandra Mahato Vs. State of Jharkhand and Ors.)
with W.P(C)/4591/2015
- (Suresh Prasad Yadav Vs. State of Jharkhand and Ors.)
with W.P(S)/4626/2012
- (Vasudeva Das Vs. State of Jharkhand and Ors.)
with W.P(S)/4677/2017
- (Chandrika Mahto Vs. State of Jharkhand and Ors.)
with W.P(S)/469/2015
- (Bhriugu Nath Ram Vs. State of Jharkhand and Ors.)
with W.P(S)/4692/2017
- (Arbind Kumar Pandey Vs. State of Jharkhand and Ors.)
with W.P(S)/4704/2017
- (Kishori Devi Vs. State of Jharkhand and Ors.)
with W.P(S)/4725/2010
- (Ram Narayan Tiwary Vs. State of Jharkhand and Ors.)
with W.P(S)/4734/2017
- (Shankar Lal Sinku and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/4746/2017
- (Chaudhary Mushar Vs. State of Jharkhand and Ors.)
with W.P(S)/4747/2017
- (Kishor Kumar Vs. State of Jharkhand and Ors.)
with W.P(S)/4748/2017
- (Dinesh Kumar Vs. State of Jharkhand and Ors.)
with W.P(S)/4752/2017
- (Baijnath Mahto Vs. State of Jharkhand and Ors.)
with W.P(S)/4754/2017
- (Kanchan Kumar Vs. State of Jharkhand and Ors.)

with W.P(S)/4764/2014
 (Deonarayan Yadav Vs. State of Jharkhand and Ors.)
with W.P(S)/4806/2017
 (Sunita Devi Vs. State of Jharkhand and Ors.)
with W.P(S)/4812/2017
 (Sushma Kumari Vs. State of Jharkhand and Ors.)
with W.P(S)/4856/2017
 (Smt Munni Kumari and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/4862/2017
 (Punam Kumari Vs. State of Jharkhand and Ors.)
with W.P(S)/4875/2017
 (Raj Ratanam Vs. State of Jharkhand and Ors.)
with W.P(S)/4879/2017
 (Madhusudan Rakshit Vs. State of Jharkhand and Ors.)
with W.P(S)/4880/2017
 (Yudika Toppo Vs. State of Jharkhand and Ors.)
with W.P(S)/4881/2017
 (Pradip Kumar Jaiswal Vs. State of Jharkhand and Ors.)
with W.P(S)/4882/2017
 (Namrata Sinha Vs. State of Jharkhand and Ors.)
with W.P(S)/4919/2012
 (Shashi Kant Kumar Barnwal Vs. State of Jharkhand and Ors.)
with W.P(S)/4920/2012
 (Ravindra Prasad Barnwal Vs. State of Jharkhand and Ors.)
with W.P(S)/4947/2017
 (Panchanand Pathak and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/4969/2017
 (Shubh Nath Pingua Vs. State of Jharkhand and Ors.)
with W.P(S)/4974/2017
 (Surendra Soren Vs. State of Jharkhand and Ors.)
with W.P(S)/4976/2017
 (Digamber Pd Saha Vs. State of Jharkhand and Ors.)
with W.P(S)/4977/2017
 (Md Shaukat Ansari Vs. State of Jharkhand and Ors.)
with W.P(S)/4978/2017
 (Prakash Narayan Sao Vs. State of Jharkhand and Ors.)
with W.P(S)/4979/2017
 (Yogeshwar Ram Vs. State of Jharkhand and Ors.)
with W.P(S)/4986/2017
 (Ram Pravesh Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/4987/2017
 (Kharen Chandra Saha Vs. State of Jharkhand and Ors.)
with W.P(S)/4988/2017
 (Shyamlal Saha Vs. State of Jharkhand and Ors.)
with W.P(S)/4989/2017
 (Sikander Choudhary Vs. State of Jharkhand and Ors.)
with W.P(S)/4991/2017
 (Kunwar Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/4992/2017
 (Md Mustasfa Vs. State of Jharkhand and Ors.)
with W.P(S)/4993/2017
 (Mithilesh Kumar Bhandari Vs. State of Jharkhand and Ors.)
with W.P(S)/5022/2017
 (Suresh Mishra Vs. State of Jharkhand and Ors.)
with W.P(S)/5056/2017

- (Ajit Kumar Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/5095/2017
- (Parmanand Pandey Vs. State of Jharkhand and Ors.)
with W.P(S)/5096/2017
- (Julin Tudu Vs. State of Jharkhand and Ors.)
with W.P(S)/5097/2017
- (Ajay Kumar and Anr Vs. State of Jharkhand and Ors.)
with W.P(S)/5100/2017
- (Mrinalini Murmu Vs. State of Jharkhand and Ors.)
with W.P(S)/5101/2017
- (Abdul Gaffar Vs. State of Jharkhand and Ors.)
with W.P(S)/5102/2017
- (Satyendra Kumar Jha Vs. State of Jharkhand and Ors.)
with W.P(S)/5104/2017
- (Indranath Sahu Vs. State of Jharkhand and Ors.)
with W.P(S)/5105/2017
- (Bimalendu Das Vs. State of Jharkhand and Ors.)
with W.P(S)/5172/2013
- (Sahdeo Yadav Vs. State of Jharkhand and Ors.)
with W.P(S)/5175/2015
- (Uday Kumar Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/5231/2011
- (Akramul Haque Vs. State of Jharkhand and Ors.)
with W.P(S)/5276/2017
- (Keshav Kumar Yadav Vs. State of Jharkhand and Ors.)
with W.P(S)/5361/2017
- (Ravindra Nath Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/5470/2016
- (Md Kalim Vs. State of Jharkhand and Ors.)
with W.P(S)/5472/2016
- (Sunil Kumar Rai Vs. State of Jharkhand and Ors.)
with W.P(S)/5474/2017
- (Probodh Kumar Mishra Vs. State of Jharkhand and Ors.)
with W.P(S)/5476/2017
- (Vishnu Kant Mishra Vs. State of Jharkhand and Ors.)
with W.P(S)/5478/2017
- (Shukdeo Sah Vs. State of Jharkhand and Ors.)
with W.P(S)/5480/2016
- (Nirmal Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/5481/2016
- (Banaras Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/5482/2016
- (Niranjan Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/5483/2016
- (Dhaneshwar Yadav Vs. State of Jharkhand and Ors.)
with W.P(S)/5484/2016
- (Harihar Prasad Burnwal Vs. State of Jharkhand and Ors.)
with W.P(S)/5485/2016
- (Saroj Devi & Anr. Vs. State of Jharkhand and Ors.)
with W.P(S)/5494/2016
- (Ajay Kumar Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/5512/2016
- (Anwar Hussain Vs. State of Jharkhand and Ors.)
with W.P(S)/5517/2016
- (Malti Devi Vs. State of Jharkhand and Ors.)

- with W.P(S)/5518/2016**
 (Satish Kumar Dubey Vs. State of Jharkhand and Ors.)
with W.P(S)/5536/2017
 (Giridhari Das Vs. State of Jharkhand and Ors.)
with W.P(S)/5537/2017
 (Uttam Kumar Rajak Vs. State of Jharkhand and Ors.)
with W.P(S)/5538/2017
 (Om Prakash Mandal Vs. State of Jharkhand and Ors.)
with W.P(S)/5539/2017
 (Mithlesh Kumar Vs. State of Jharkhand and Ors.)
with W.P(S)/5541/2016
 (Subhashish Chatterjee Vs. State of Jharkhand and Ors.)
with W.P(S)/5543/2017
 (Rajendra Prasad Sukla Vs. State of Jharkhand and Ors.)
with W.P(S)/5544/2017
 (Nutan Kumari Alias Nutan Kumari Mishra Vs. State of Jharkhand and Ors.)
with W.P(S)/5681/2011
 (Rajib Ranjan Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/5699/2016
 (Raj Kishore Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/5700/2016
 (Kamlesh Kumar Sinha Vs. State of Jharkhand and Ors.)
with W.P(S)/5756/2017
 (Anand Kumar Sinha Vs. State of Jharkhand and Ors.)
with W.P(S)/5784/2016
 (Anjleena Hansdak Vs. State of Jharkhand and Ors.)
with W.P(S)/5787/2016
 (Arti Kumari Vs. State of Jharkhand and Ors.)
with W.P(S)/5814/2017
 (Diwakar Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/5821/2017
 (Vijay Shankar Pandey and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/5868/2016
 (Sanjeev Kumar Choudhary Vs. State of Jharkhand and Ors.)
with W.P(S)/5877/2016
 (Md Alauddin Ansari Vs. State of Jharkhand and Ors.)
with W.P(S)/5886/2016
 (Binay Kumar Sen Vs. State of Jharkhand and Ors.)
with W.P(S)/5893/2017
 (Damodar Pandey and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/5897/2016
 (Dharnath Yadav Vs. State of Jharkhand and Ors.)
with W.P(S)/5897/2017
 (Sanjeev Kumar and Anr Vs. State of Jharkhand and Ors.)
with W.P(S)/5901/2016
 (Anil Kumar Rujmodak Vs. State of Jharkhand and Ors.)
with W.P(S)/5903/2016
 (Kuldip Kumar Sen Gupta Vs. State of Jharkhand and Ors.)
with W.P(S)/5904/2016
 (Surendra Nath Roy Vs. State of Jharkhand and Ors.)
with W.P(S)/5908/2017
 (Yugal Kishore Mishra Vs. State of Jharkhand and Ors.)
with W.P(S)/5909/2017
 (Ram Kumar Dubey Vs. State of Jharkhand and Ors.)
with W.P(S)/5910/2017

- (Mahendra Prasad Saha Vs. State of Jharkhand and Ors.)
with W.P(S)/5975/2017
- (Smt Anjana Singh Vs. State of Jharkhand and Ors.)
with W.P(S)/6046/2016
- (Gupteshwar Pathak Vs. State of Jharkhand and Ors.)
with W.P(S)/6058/2016
- (Binod Kumar Pandey Vs. State of Jharkhand and Ors.)
with W.P(S)/6088/2017
- (Nand Kishore Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/6240/2010
- (Dilip Kumar Sinha and Anr. Vs. State of Jharkhand and Ors.)
with W.P(S)/6258/2014
- (Munuren Surin Vs. State of Jharkhand and Ors.)
with W.P(S)/6260/2014
- (Anandi Kandulna Vs. State of Jharkhand and Ors.)
with W.P(S)/6261/2014
- (Sarojni Horo Vs. State of Jharkhand and Ors.)
with W.P(S)/6331/2016
- (Ainul Haque Ansari @ Annual Haque Vs. State of Jharkhand and Ors.)
with W.P(S)/6332/2016
- (Subodh Kumar Ray Vs. State of Jharkhand and Ors.)
with W.P(S)/6333/2016
- (Poreshnath Mahto Vs. State of Jharkhand and Ors.)
with W.P(S)/6532/2013
- (Smt Renuka Pandey Vs. State of Jharkhand and Ors.)
with W.P(S)/6539/2017
- (Gulam Rasul and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/6540/2017
- (Rajiv Kumar Saha Vs. State of Jharkhand and Ors.)
with W.P(S)/6546/2013
- (Indira Ghosh Vs. State of Jharkhand and Ors.)
with W.P(S)/6550/2017
- (Dinesh Kumar Singh and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/656/2015
- (Manjusha Pradhan and Anr Vs. State of Jharkhand and Ors.)
with W.P(S)/6567/2013
- (Kanika Ghosh Vs. State of Jharkhand and Ors.)
with W.P(S)/6569/2013
- (Rama Banerjee @ Rama Roy Choudhary Vs. State of Jharkhand and Ors.)
with W.P(S)/6569/2017
- (Chhabi Rani Sheel Vs. State of Jharkhand and Ors.)
with W.P(S)/6589/2017
- (Mustakim Saikh and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/6595/2013
- (Ram Pyari Devi Vs. State of Jharkhand and Ors.)
with W.P(S)/6597/2013
- (Punni Kumari Vs. State of Jharkhand and Ors.)
with W.P(S)/6637/2017
- (Ajay Kumar Jaiswal Vs. State of Jharkhand and Ors.)
with W.P(S)/6661/2017
- (Prafulla Kumar Sinha Vs. State of Jharkhand and Ors.)
with W.P(S)/6735/2017
- (Lala Bhopal Prasad Vs. State of Jharkhand and Ors.)
with W.P(S)/6765/2017
- (Amarjeet Vs. State of Jharkhand and Ors.)

- with W.P(S)/6769/2017**
(Rati Nandan Singh Vs. State of Jharkhand and Ors.)
- with W.P(S)/680/2015**
(Ritambhara Kumari Vs. State of Jharkhand and Ors.)
- with W.P(S)/683/2017**
(Tapan Kumar Rai Vs. State of Jharkhand and Ors.)
- with W.P(S)/7007/2017**
(Smt Krisnakali Maity Vs. State of Jharkhand and Ors.)
- with W.P(S)/7081/2017**
(Misir Murmu Vs. State of Jharkhand and Ors.)
- with W.P(S)/7099/2016**
(Ram Balak Prasad Singh Vs. State of Jharkhand and Ors.)
- with W.P(S)/7229/2016**
(Shishir Kumar Mandal Vs. State of Jharkhand and Ors.)
- with W.P(S)/7262/2016**
(Savitri Devi Vs. State of Jharkhand and Ors.)
- with W.P(S)/7300/2016**
(Ajit Kumar Mandal Vs. State of Jharkhand and Ors.)
- with W.P(S)/7303/2016**
(Kalim Khan and Anr Vs. State of Jharkhand and Ors.)
- with W.P(S)/7324/2016**
(Sudhir Prasad Vs. State of Jharkhand and Ors.)
- with W.P(S)/7354/2016**
(Ramesh Chandra Mahto Vs. State of Jharkhand and Ors.)
- with W.P(S)/7400/2017**
(Anil Kumar Jha Vs. State of Jharkhand and Ors.)
- with W.P(S)/1053/2017**
(Pradip Kumar Mahto Vs. State of Jharkhand and Ors.)
- with W.P(S)/7403/2012**
(Krishan Kumar Verma and Ors Vs. State of Jharkhand and Ors.)
- with W.P(S)/7410/2016**
(Kailash Prasad Rana Vs. State of Jharkhand and Ors.)
- with W.P(S)/7429/2016**
(Md Jafar Ali Vs. State of Jharkhand and Ors.)
- with W.P(S)/7439/2016**
(Rajendra Kumar Prasad and Anr Vs. State of Jharkhand and Ors.)
- with W.P(S)/7453/2016**
(Ajit Narayan Prandey Vs. State of Jharkhand and Ors.)
- with W.P(S)/7463/2016**
(Kameshwar Pandey Vs. State of Jharkhand and Ors.)
- with W.P(S)/7484/2016**
(Khudi Ram Mahto Vs. State of Jharkhand and Ors.)
- with W.P(S)/750/2017**
(Santosh Kumar Napit and Anr Vs. State of Jharkhand and Ors.)
- with W.P(S)/7512/2016**
(Basant Kumar Gope Vs. State of Jharkhand and Ors.)
- with W.P(S)/753/2015**
(Sarojini Mahato and Ors Vs. State of Jharkhand and Ors.)
- with W.P(S)/757/2017**
(Vishnudeo Manjhi Vs. State of Jharkhand and Ors.)
- with W.P(S)/768/2016**
(Malawati Nag Vs. State of Jharkhand and Ors.)
- with W.P(S)/7712/2017**
(Satish Narayan Das Vs. State of Jharkhand and Ors.)
- with W.P(S)/7718/2012**

(Sukar Nayak Vs. State of Jharkhand and Ors.)
with W.P(S)/7744/2017
 (Akhouri Bibhuti Bhushan Sahay Vs. State of Jharkhand and Ors.)
with W.P(S)/778/2011
 (Vinay Kumar Bit Vs. State of Jharkhand and Ors.)
with W.P(S)/848/2017
 (Jhari Ram Mahto and Anr Vs. State of Jharkhand and Ors.)
with W.P(S)/859/2017
 (Tuplal Yadav and Ors Vs. State of Jharkhand and Ors.)
with W.P(S)/875/2018
 (Bipin Bihari Pandey Vs. State of Jharkhand and Ors.)
with W.P(S)/970/2017
 (Khemlal Thakur Vs. State of Jharkhand and Ors.)
with W.P(S)/7401/2017
 (Snehlata Baski and Ors Vs. State of Jharkhand and Ors.)

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

For the Petitioners : Mr. Jay Prakash Jha, Sr. Advocate
 M/s. Shubha Jha, Saurabh Shekhar,
 Arbind Kumar Jha, Bijay Kumar Pandey,
 Sanjay Kumar Pandey, Anjana Kumari,
 Gopal Nand Mishra, Lalit Kumar Singh,
 Subodh Kumar Pandey, Abhijit Kumar Singh,
 P.K. Dubey, Gautam Kumar Singh, Ganesh Ram,
 Rishi Raj Verma, Nagmani Tiwary, Manoj Kr. Dash,
 Govind Ray Karan, Advocates

For the Respondents : Mr. Jai Prakash, AAG
 Ms. Chaitali Ch. Sinha, AC to AAG
 Mr. Himanshu Kumar Mehta, AAG
 Mr. Kanchan Kumari, AC to AAG
 Mr. Shreshtha Mehta, AC to AAG
 Mr. D.K. Dubey, Sr. SC-I
 Mr. L.C.N. Shahdeo, GP-IV
 Mr. V.K. Prasad, SC (L&C)
 Mr. Vineet Prakash, AC to SC (L&C)
 Mr. Manoj Kumar, SC (Mines)
 Mr. Anil Kumar, AC to SC (Mines)
 Mr. Bhawesh Kumar, SC-II
 Mr. Ravi Kumar, AC to SC-II
 Mr. Atanu Banerjee, GA
 Mr. Kaustav Panda, AC to GA
 Mr. S. Akhtar, GA-III
 Mrs. Richa Sanchita, SC-V

15/ 05.09.2018 As common question is involved in all these writ petitions, they have been taken up together and are decided by this common order. These batch of cases relate to Teaching and Non-Teaching Staff of Project Girls' High Schools. The petitioners herein mainly seek appropriate directions to the concerned authorities to recognize/ regularize their services by the Government following the take-over of the private schools where the petitioners had been working and are discharging their duties or have retired after attaining the age of retirement.

2. The petitioners, before this Court, in the present matters, are teaching and non-teaching staff of different Project Girls High Schools (now falling within the territorial jurisdiction of Jharkhand), which were opened and selected as second phase schools of the state government scheme of 1981 and these petitioners have prayed for absorption of their services and further for making payment of consequential benefits and arrears of salary w.e.f. 01.01.1989. These petitioners have been performing their duties since last 30 years against vacant and sanctioned posts, without any salary, in anticipation of their due absorption in regular establishment and hence have moved this court for redressal of their grievances, when no action was taken on part of the Respondent state. These Project Schools had been created under the Scheme launched by the then State of Bihar for the purpose of enhancement of literacy in poverty stricken and illiterate areas of the State. 'Project Schools' are the name given to the Schools established by the Government under the Scheme aimed at providing in each block of the State, at least four Secondary/ High Schools out of which one must be a 'Girls' School'. These schools, as per the Scheme of the Government, would be established by taking over private schools which had been granted permission for establishment or was at least a proposed school in terms of the provisions of the Bihar Secondary Education Board Act.
3. Before dealing with the issues involved, it is important to give a brief history of the matter. The issues involved have been continuously litigated over a period of almost three decades, before Hon'ble Patna High Court, as also before Hon'ble Apex Court and several other matters have also been decided by the coordinate Benches of this Hon'ble Court in different cases which were preferred by similarly situated litigants individually. The brief fact, as can be culled out gathered from the pleadings made in the writ petitions and submissions made by the learned counsels of both the sides, is summarized as under:-
- (i) The erstwhile State of Bihar, in order to eradicate illiteracy, specifically in backward areas of the State and also in order to provide opportunity of education to the girl students, took a policy decision to establish Project Girls High Schools, one in each Block of every Districts of the State. It was decided vide office order as contained in memo no. 1115 dated 27.05.1981 that a total of 650 schools were to be opened in a phased manner, which was decided to be done as follows:-
 - (a) 1981-82 – 150 schools - 1st phase Project Girls' High Schools
 - (b) 1982-83 – 200 schools – 2nd phase Project Girls' High Schools
 - (c) 1983-84 – 200 schools – 3rd phase Project Girls' High Schools

(d) 1984-85 – 100 schools – 4th phase Project Girls' High Schools

A total of 150 schools were duly opened in the 1st phase, but second phase schools could not be opened in 1982-83. Functional schools were, however, selected in the year 1984-85, in view of letter dated 25.01.1985, by a Three Men Committee of the State Government. The present matter relates to these cases, which will be referred to hereinafter as 2nd phase schools, for the sake of brevity.

There were 300 schools in the 2nd phase, of which 75 schools were established by the local people and taken over by the Government directly, in pursuance to letter no. 108 dated 12.02.1985, and rest of the schools were selected by Three Men Committee, vide letter no. 142, dated 23.02.1985 (225 schools). Of these 225 schools, only 89 schools fall in the State of Jharkhand.

- (ii) At this stage of time, the employees of 1st phase schools were already absorbed, but only the trained teachers and non-teaching staff. In the cases of untrained teachers, a decision was taken by wireless messages issued from the office of His Excellency, the Governor, on 14.04.1987, that services of both trained and untrained teachers must be recognized and their services be absorbed, and further these untrained teachers will be paid salary in untrained scale.
- (iii) It is to be seen that at the time of selection of 2nd phase schools and appointment of teachers in these schools, there were no service conditions for appointment and therefore appointment was made in absence of any Rule for appointment. These Rules were made for the first time, vide order contained in letter no. 142 dated 04.02.1989.
- (iv) In the year 1989, a policy decision was taken, vide office order as contained in letter no. 142 dated 04.02.1989, for absorption of services of employees to the post of Assistant Teacher, who were initially appointed in Project Schools of second phase, schools selected on recommendation of Three Men Committee, vide letter as contained in memo no. 142 dated 23.02.1985, in accordance with following conditions:-
 - (a) At clause 1 (i):- The cut-off date for attainment of educational qualification was prescribed to be attained on the date of appointment, i.e. in some cases even before the selection of the school in the year 1985.
 - (b) At clause 1 (iii):- The teachers had to be appointed to the posts (subject) as provided by the '*Manak Mandal*' in clause (iii). The arrangements of

subjects, as per '*Manak Mandal*' was provided, following the same pattern as was provided in Govt. letter No. 705 dated 12.10.1982 and letter no. 1027 dated 02.11.1985, however, there was a substantial improvement, that was brought about in the manner that out of 9 posts, 1 post was reduced from the Science Stream and it was added and adopted as the post of 'other teachers', in which subjects included were minority language, music, arts, commerce subject, anyone of these on the basis of seniority.

(c) At clause 1 (iv):- The teachers must be graduate trained at the time of appointment, with few exceptions like women, SC/ST candidates, etc., who would be absorbed, but after absorption within three years, they were required to complete training.

(v) The employees, being aggrieved with the policy decision, moved before Hon'ble Patna High Court and the matter was ultimately decided by the Full Bench of Hon'ble Patna High Court in the matter of ***Project Uchcha Vidyalaya Shikshak Sangh Vrs. State of Bihar & Ors***, reported in **2000 (1) PLJR 287 (FB)**. The Hon'ble Court decided that on different grounds the decision of the respondent state was highly arbitrary and illegal, and directed for the appointment of independent Committee, which would scrutinize the individual cases on the basis of following principles:-

- (a) There should be no discrimination between the staff of 1st phase schools and 2nd phase schools, as because both are part and parcel of the same Scheme, which was being made applicable at different periods of time and in different areas. Therefore, in reality all the staff were similarly situated in their respective categories, and hence they cannot be differently treated.
- (b) The educational qualification had to be attained by the date by which the Scrutinizing Committee would submit its report.

The relevant paras of judgment passed in case of ***Project Uchcha Vidyalaya Shikshak Sangh Vrs. State of Bihar & Ors (supra)*** is reproduced herein below:-

"7. Coming to the facts of these cases and a bare reference to the first circular of the Government bearing No. 1115, dated 27th January, 1981, there appears no doubt that all such schools have been selected under one common scheme of the State Government to provide 650 new schools in each of 587 Blocks of this State for the benefit and upliftment of the educationally backward rural areas. The implementation of the scheme was of course to be done in different financial years, commencing from 1981-82 to 1984-85. It would further

appear that initially the later part of the circular issued in the year 1981, deals only with respect to 150 schools which were to be taken over in the said financial year, but in the facts and circumstances, there cannot be any doubt that take over of all Project Schools was a continuous process under the same scheme and thus, to avoid any discrimination among the students of one area with that of another area where schools were established in the financial year 1984-85, the manner and the provisions which were adopted for the recognition and regularisation of services of teachers and non-teaching staff are to be applied alike and failure in doing that would frustrate the very object of the scheme to educate the students admitted in such schools. For example the schools established earlier had the advantage of teaching of various subjects for which there is provision for appointment of 9 teachers of different subjects whereas for the subsequent phases, the Government provided less number of teachers which obviously would deprive such schools teaching any subject other than those for which the teachers are appointed though the same is available in the schools which were established in the first phase.

22. That apart, this cannot be denied that at the time of initial appointment of these petitioners, there was no statutory rule or circular to prescribe the upper qualifying age for appointment of a teacher in privately managed school. It would also appear that the State Government while taking over the management and control of other privately managed schools under the provisions of the Bihar Non-Government Secondary Schools (Taking over of Management & Control) Act, 1980, had granted age relaxation to the teachers and non-teaching staff of these schools up to the age of 35 years. Therefore, although the relevant circular of the State Government, whereby the maximum age was relaxed to 35 years for the teaching and non-teaching staff of the Non-Government Secondary Schools, is not applicable to the teaching and non-teaching employees of the Project Schools as already held above but having regard to the facts that they have continued uninterruptedly for several years, it would be in fact too hard to reject their claim at such a belated stage simply because some of them had crossed the age of 31 years at the time of initial appointment by the Managing Committee before the take over of the schools as Project School. I am, therefore, of the view that in the background of the facts stated above, such petitioners are also entitled for the regularisation/recognition of their services against the posts within the aforementioned staffing pattern.

30. In my view, having regard to the facts noticed above, in absence of any policy of the Government fixing the cut-off date for the purpose of possessing such minimum qualification, it would not be proper for the respondents to refuse recognition/regularisation of the services of the teachers on the ground that at the time of their appointments by the Managing Committees of the respective schools, they were not trained graduates. Because such a requirement was prescribed for the first time by circular No, 142, dated 4th

February, 1989, which, as I have already held above, cannot be applied retrospectively. It would also be relevant to mention that similar was the view expressed by this Court on the previous occasion while disposing of these cases.

35. In my view, it would be appropriate to mention that this Full Bench has only to examine the broad propositions regarding scope and applicability of different circulars of the Government in the matter regarding implementation of the instant scheme, and the service conditions regarding eligibility, qualifications, suitability etc. of teaching and non-teaching staff for regularisation/recognition of their services in the Project Schools. Individual cases of the petitioners of course, shall be examined by the respondent authorities in terms of the findings of this Full Bench in these cases as we have not been posted with the facts in detail by the respective parties. In some of the cases State has not even filed counter-affidavit perhaps under the impression that once this Court decided the principle then the authority concerned would examine individual cases and discharge it of in the light of the said principle.”

- (vi) The order of Hon’ble Patna High Court was challenged in Appeal before Hon’ble Apex Court in ***State of Bihar Vrs. Project Uchcha Vidyalaya Shikshak Sangh***, reported in **2006 (2) JLR at page 57**, however, Judgment of the Hon’ble Patna High Court was upheld by Hon’ble Apex Court. Relevant paras of the above judgment is reproduced hereinbelow:-

“19. A Full Bench of the Patna High Court was, pursuant to the said direction, constituted and by reason of the impugned judgment dated 07.12.1999, it was held:

(i) Establishment take over of the schools in question was continuous process under the scheme framed in terms of the Government letter dated 27.05.1981 and it constituted a single transaction so as to avoid any discrimination amongst the students of one area with that of another area.

(ii) The provisions governing the recognition/regularization of the services of the teachers and payment of their salaries in respect of Project Schools of 1981-82 would also apply to the schools selected during 1984-85.

(iii) In view of the unambiguous stand of the State before the High Court, the process of selection was completed in the year 1986 and there remains no controversy as regard establishment or selection of 300 Project Schools during the year 1984-85.

(iv) The question as regard recognition and regularization of the services of the teaching and non-teaching staff of the Project Schools which were selected in the year 1984-85 was categorized as under:

(a) Sanctioned strength of the teachers in the schools;

(b) minimum qualification on the date of the appointment;

- (c) over age and under age on the date of appointment;
- (d) degree equivalence;
- (e) the question with respect to the circular holding the field for recognition/regularization of the service conditions of teaching and non teaching staff of all the schools for the year 1984-85;

83. *The Committee shall also deal with all such individual cases of the Appellants, as has been directed in para 35 of the judgment of the High Court.*

90. *So far as educational qualification of the teaching staff is concerned, we are of the opinion that having regard to the fact that the limited number of teachers were to be appointed with a view to accomplish a constitutional goal of spreading literacy in the villages, particularly amongst the girls, the standard adopted in Zila Schools or Government schools constituted in urban areas may not be insisted upon, as was observed by the High Court, but keeping in view the fact that it is essentially a Government function, the question as to whether some teachers having B.T. training or training in Physical Education would be allowed to continue in the said Project Schools or not is left to the State, wherefor a decision in a decision in accordance with law may be taken."*

- (vii) In compliance of the direction of the Court, the respondent State of Jharkhand sought to constitute a Screening Committee, popularly known as ALAM COMMITTEE, which submitted its report on 30.09.2007. On scrutiny, several cases were rejected by the ALAM COMMITTEE, inter-alia, mainly on the following grounds:-
 - (a) The qualification of graduate trained was considered essential for absorption.
 - (b) The cases of graduate untrained were rejected.
 - (c) The cut-off date for attainment of educational qualification was decided to be the date of appointment.
 - (d) Some of the cases of minority language teachers were not considered.
 - (e) Some of the training institutions were not considered as to be recognized institutions for attainment of training, and therefore, since training was considered essential, hence such cases, where training was availed from these institutions, were rejected.
 - (f) The non-teaching staff, who were appointed, but however, after their appointment, other Government regular staff had been appointed on such posts on deputations, their cases were rejected.
- (viii) The cases which were selected by the Alam Committee got their absorption, vide Government Notification dated 09.02.2011 and salaries were released

in favour of the employees so absorbed w.e.f. 01.01.1989.

- (ix) Other employees (both teaching and non-teaching staff), who have not been absorbed, moved before the Single Bench of this Hon'ble Court and in many cases it was found by this Hon'ble Court that the Alam Committee has decided the matter without referring to the principles laid down by the Full Bench of Hon'ble Patna High Court, confirmed by the Hon'ble Apex Court, and in deciding so in each individual cases, it was said that the Alam Committee will not be considered in as much as it goes against the principle established by Hon'ble Apex Court, which in different cases have been held as follows:-
 - (a) The cut-off date for attainment of educational qualification is the date on which the Screening Committee submits its report, i.e. the date on which Alam Committee has submitted its report i.e. on 30.09.2007.
 - (b) The training certificates obtained prior to coming of NCTE, do not require any recognition of the institutes and, therefore, all such training certificates are admissible.
 - (c) The women and SC/ST candidates were to be absorbed in the services.
 - (d) The minority language, forms part and parcel of MANAK MANDAL and, therefore, appointment made on such posts are required to be absorbed.
 - (e) The non-teaching staff who were appointed but after their appointment other Government regular staff had been deputed on such posts and on this ground the cases of already appointed non-teaching staff under the Scheme cannot be segregated. Therefore, such non-teaching staff in whose place later on regular Government deputations have taken place, despite the fact that they were already working against the sanctioned vacant posts, they are to be regularized.
- (x) In several cases, the directions of the Hon'ble Court were complied with and absorption was done.
- (xi) In the meanwhile, since the State Govt. had not passed any orders in relation to left over cases, which had already been rejected by Alam Committee, it was decided vide Govt. order dated 06.10.2012 that all the teaching staff will be absorbed including both trained and untrained, who were appointed prior to 04.02.1989.
- (xii) Some untrained teachers moved before the Hon'ble Jharkhand High Court in the case of *Sarju Prasad Gupta and ors. Vrs. State of Jharkhand and ors.*, in **W.P.(S) No. 3833 of 2014**, whereby vide order dated 13.04.2016, it was

observed by the Hon'ble Court that since policy decision for absorption of untrained teachers has already been taken in the year 2012, vide memo no. 2743 dated 06.10.2012, therefore, the matter is being remanded back to take appropriate decision on recognition of untrained teachers in view of such policy decision.

- (xiii) In pursuance to the direction of this Hon'ble Court, the cases of untrained teachers, namely *Sarju Prasad Gupta, Anil Kumar Prajapati and Surendra Kumar* was considered and they were absorbed by the State Govt., vide order as contained in memo no. 1605 dated 17.08.2016. It was stated in the order that since the teachers of 1st phase and 2nd phase schools are to be treated in parity, therefore, considering that 1st phase untrained teachers have already been absorbed, and therefore, the absorptions of the present teachers, who belong to 2nd phase schools, are being done.
- (xiv) The respondents have also considered the case of one *Sri Satyanarayan Gope*, whose services has been absorbed as untrained teacher, on the same logic, vide Govt. order as contained in memo no. 362 dated 01.03.2017.
- (xv) Similarly one *Swarnlata*, has been absorbed as untrained teacher; vide Govt. order as contained in memo no. 3245 dated 01.12.2015.
- (xvi) Several writ petitions have been filed by the similarly situated untrained teachers, which have been disposed of to take decision in light of the policy decision of 06.10.2012 and the absorption of similarly situated untrained teachers is already done by the State of Jharkhand.

4. The matter has been argued and heard on various dates and it was deemed fit that the respondent – State should come-up with a common policy decision to regulate the current issues in question, so as to substantially reduce the litigation in relation to Project Girls' High Schools, pending before this Court. This direction was given in view of the fact that all the matters are covered by the Judgment of Full Bench of Hon'ble Patna High Court, in *Project Uchcha Vidyalaya Shikshak Sangh (Supra.)*, affirmed by Hon'ble Apex Court, and made applicable in different decisions passed by this Court in individual cases.

5. In-compliance with the order of this Court, the respondent-State has come-up with a policy decision on 25.04.2018 and the fate of all the litigants have been decided. This Court, thereafter, deemed fit to give an opportunity to the litigants to place their objections to the decision taken by the respondents-State.

6. Mr. Jai Prakash Jha, learned Sr. Advocate along with M/s. Shubha Jha, Saurabh Shekhar, Arbind Kumar Jha, Bijay Kumar Pandey, Sanjay Kumar Pandey, Anjana Kumari, Gopal Nand Mishra, Lalit Kumar Singh, Subodh Kumar Pandey,

Abhijit Kumar Singh, P.K. Dubey, Gautam Kumar Singh, Ganesh Ram, Rishi Raj Verma, Nagmani Tiwary, Manoj Kr. Dash, Govind Ray Karan and other Advocates represents petitioners herein. Since learned counsel for the respective parties have advanced common arguments on behalf of the petitioners and as such, it is better to discuss the same in common.

7. Assailing the resolution 25.04.2018, brought on by the respondent-State, Mr. Saurabh Shekhar, learned counsel appearing for some of the petitioners urges that in the 1st phase i.e. between 1981-82 untrained teachers were absorbed and in 2nd phase i.e. between 1984-85 untrained teachers were not absorbed as per the notification which is in contravention of the decisions of Hon'ble Apex Court in case of **State of Bihar Vrs. Project Uchcha Vidyalaya Shikshak Sangh**, reported in **2006 (2) JLJR 57 (SC)** as 60% teachers in second phase are untrained. Drawing the attention of the Court towards order passed by this Court in case of **Shukhdeo Gope Vs. State of Jharkhand (W.P.S. No. 5161 of 2009)**. Mr. Shekhar argues that cut-off date is regarding qualification and not for training. Clause-6 of the notification dated 06.10.2012, clearly speaks of trained and untrained teachers for regularization, i.e. those who are appointed prior to 04.02.1989. Learned counsel further argues that Urdu and Fazil teachers should also be considered if they fulfill the required qualifications. Further, in some cases, it is argued that objection regarding fulfillment of essential qualification is raised where teachers are Commerce Graduate. In this regard it is argued that in view of catena of decisions of the Hon'ble High Court, it is directed to consider the cases of teachers having Commerce Degree if there is no other legal impediment.
8. Mr. J.P. Jha, learned senior counsel assisted by Ms. Shubha Jha, learned counsel appearing for the petitioners places heavy reliance on para-7 of the Full Bench Judgment of Hon'ble Patna High Court passed in case of **Project Uchcha Vidyalaya Shikshak Sangh Vs. State of Bihar & Ors.**, reported in **2000 (1) PLJR 287 (F.B.)** and submits that the said contention and observations of Full Bench's judgment has been completely ignored and has not been give any weightage in the said resolution. The observations of this Court on several dates and directions given to the Respondents has also been ignored and not taken care-of. Learned senior counsel further argues that a direction be given to the Respondents for consideration of the cases of trained and untrained teachers and no discrimination can be made between trained and untrained teachers as issue has already been set at rest by the Hon'ble Apex Court.
9. Ms. Shubha Jha, learned counsel appearing in W.P.(S). No. 2468 of 2017 and other analogous cases, takes the attention of the Court towards I.A. No. 6470 of

2018 and placing reliance on para-25 (iv) of the said I.A. submits that it should be considered by the Respondents. Learned counsel submits that no discrimination can be shown in cases of trained and untrained teachers in view of the order of this Court and also that of the Hon'ble Apex Court as well as order of the Full Bench of the Hon'ble Patna High Court. Ms. Jha also places reliance on the order and judgment of this Court in case of **Sukhdeo Gope (supra)** and submits that it clearly talks of qualification and not training. All these things have not been taken care of by the resolution brought out by the respondent-State and as such, a direction be given for issuance of fresh resolution or coming out with corrigendum taking into consideration the aforesaid aspects. Learned counsel further argues that page-6 clause-5(i) and (ii) of the resolution should be recalled as it is not in consonance with the observations of the Hon'ble Apex Court as well as the Full Bench of Hon'ble Patna High Court. Referring to letter dated 04.02.1989, brought on record by way of the interlocutory application, learned counsel argues that in view of the judgment of Full Bench and that of the Hon'ble Apex Court, consideration should be shown by way of corrigendum. Ms. Jha draws the attention of the Court towards para-90 of the judgment of Hon'ble Apex Court and argues that resolution dated 25.04.2018 is unjust, illegal and is fit to be quashed and set aside.

- 10.** Mr. Bijay Kumar Pandey assisted by Mr. Sanjay Pandey, learned counsel appearing in W.P.(S). No. 5903 of 2016 and other cases draws the attention of the Court towards para-83 of the Hon'ble Supreme Court's judgment and also refers paras-7, 22, 30 and 35 of the Full Bench judgment of Hon'ble Patna High Court and submits that though an observation is made in the aforesaid judgments of the Hon'ble Supreme Court and that of Full Bench judgment of the Hon'ble Patna High Court, the same has not been considered at all and as such, to meet the requirement of the said observations, a direction be given to the Respondents to come out with a fresh resolution. Mr. Pandey further argues that the cases of the physical teachers have been refused but the same do not found place in the resolution. The respondent-State should be clear on absorption/ regularization/ appointment of physical teachers, who are working since long. Mr. Pandey submits that Clause – 2(vi) of the resolution dated 25.04.2018 is completely arbitrary and contrary to para-90 of the Hon'ble Supreme Court's judgment. The teachers who are at par with teachers who have obtained B.Ed. degree, having equivalent qualification like Siksha Visharad, should also be considered. Learned counsel further argues that Clause-2(ii) talks of training for untrained teachers till 30.09.2007, which is against the spirit of the judgments rendered by the Full Bench of Hon'ble Patna High Court and by the Hon'ble Apex Court. It has been further argued that Clause-5 (k) (ii) is

also arbitrary and against the spirit of the aforesaid judgments rendered by the Hon'ble Apex Court as well as by the Full Bench of the Hon'ble Patna High Court. Learned counsel argues that there was a clause regarding subjects vide clause-2 of the resolution dated 12.08.1987, which has not been considered at all. Mr. Pandey further argues that letter No. 705 dated 12.10.1982 has been considered by the Full Bench and that should be incorporated by way of corrigendum. Regarding closure of the schools particularly that of one in Angara Block, it has been argued that the said step of the Respondent is illegal as the selections have been made by the Three Men's Committee and as such, Clause-6 of the Resolution dated 25.04.2018 is arbitrary.

- 11.** Mr. Subodh Kumar Pandey, learned counsel appearing in W.P.(S). No. 6539 of 2017 and other cases places heavy reliance on the judgment passed in case of Kumud Kumari Srivastava Vs. State of Bihar, reported in 1995 (2) PLJR 215 and in case of Surbani Bose Vs. State of Jharhand & Ors., reported in 2006 (3) JLJR 480 regarding training.

Learned counsel appearing on behalf of the petitioners strenuously urges that the Project Girls' High Schools were created and were being run with *bona fide* purpose and as a welfare measure to impart education to the girls in the areas in which the schools were established. There was no specific statute or rules created for the purposes of governance of these schools but there were several circulars/ instructions/ orders which were issued on year to year basis so as to manage the running of these schools. Under the Scheme of the State Government all these Project Schools were to be taken over by the State Government and for this purpose, the policy were being formulated and regulated. The Schools in question had been selected as Government Project School on different dates by the Three Men Committee constituted in terms of the letter and circular issued by the Government. Learned Sr. Counsel submits that the matter has travelled up to the Hon'ble Supreme Court and various orders have been passed regarding issues involved in all these cases. The Schools in question were selected as Project Schools long back and it was assertion of the State Government before the Full Bench that the selection process had already been completed in the year 1986 itself. The grievance of the petitioners is that the teaching and non-teaching staff of these Project Schools selected in the financial year 1984 – 85 including the petitioners, are not being paid their salary and other benefits as their services had not been absorbed by the State. Learned Sr. Counsel submits that there is clear laches on the part of the State – respondents and the petitioners cannot be made to suffer even after doing the teaching job for such a long period. The petitioners are economically

backward and have been working in the Schools waiting since long with a hope that the Government shall accede to their own guidelines and assurances given to them. Out of 300 Schools, a total 89 Project Girls High Schools are falling in the territory of State of Jharkhand and rest 211 Schools are in the State of Bihar. Learned counsel further submits that the Memo No. 2743, dated 06.10.2012, issued by the Government of Jharkhand must be treated as *ad addendum* to the previous circular dated 04.02.1989 wherein absorption of services of only women/ SC/ ST category untrained employees/ teachers were being done while nothing was said in relation to the claim of General/ Backward category male employees. Learned counsel submits that in view of this Circular dated 06.10.2012, now all the untrained category employees are to be considered for the purposes of recognition/ absorption of their services to the post of Assistant Teacher (Graduate Untrained Scale) by reading two circulars i.e. Circular dated 04.02.1989 and the Circular dated 06.10.2012 in same consequence. Learned counsel further submits that after direction of this Court, while considering case of Sarju Prasad Gupta, a Memo No. 1605 dated 17.08.2016 was issued by the Government and it was decided that even the untrained category teacher has to be recognized/ absorbed with benefits to be extended with effect from 01.01.1989, if they were appointed before 04.02.1989 and as such the issue has been set at rest and even the Graduate Untrained Teachers who are male and belonged to General/ Backward Category, their cases have to be considered for absorption in services.

Learned counsel further strenuously argued that the establishment/ taking over of the Project Schools in the different blocks of the State was one continuous process and hence the teachers of all the Schools must be governed by the same set of provisions. The benefits of any policy decision of the Government should be equally given to the similar set of persons.

12. Mr. Jai Prakash, learned AAG assisted by Ms. Chaitali Ch. Sinha, AC to AAG, Mr. Himanshu Kumar Mehta, AAG, Mr. Kanchan Kumari, AC to AAG, Mr. Shreshtha Mehta, AC to AAG, Mr. D.K. Dubey, Sr. SC-I, Mr. L.C.N. Shahdeo, GP-IV, Mr. V.K. Prasad, SC (L&C), Mr. Vineet Prakash, AC to SC (L&C), Mr. Manoj Kumar, SC (Mines), Mr. Anil Kumar, AC to SC (Mines), Mr. Bhawesh Kumar, SC-II, Mr. Ravi Kumar, AC to SC-II, Mr. Atanu Banerjee, GA, Mr. Kaustav Panda, AC to GA, Mr. S. Akhtar, GA-II appears on behalf of the respondents.

13. Before advancing his arguments, Mr. Jai Prakash learned AAG submits that the State has come up with a resolution vide Notification dated 25.04.2018 taking into consideration the relevant provisions of law and he has supported the

Notification dated 25.04.2018. Learned counsel argues that on the recommendation of Alam Committee, which was constituted on the direction of the Hon'ble Apex Court, 48 teachers, 35 clerks and 67 peons have already been regularized vide Departmental Notification No. 424 dated 09.02.2011. Apart from the above, service of the 86 teachers, 1 clerk and 6 peons have also been regularized in the light of the direction/ judgment of the Hon'ble Court by the Department/ Director, Secondary Education, Govt. of Jharkhand, Ranchi. Learned counsel further argues that as per the policy decision, the Director, Secondary Education will take further necessary action for regularization of rest of the teaching and non-teaching staff of the Project Girls' High School of 1984-85 (2nd phase).

Mr. Jai Prakash, further argues that para-33 of the Full Bench Judgment and Sukhdeo Gope's case talks about teacher's training as qualification prior to 30.09.2007. It has been further argued that NCTE Guidelines talks of minimum qualification (3rd September, 2001) which includes training. Mr. Jai Prakash further argued that letter No. 142 dated 04.02.1989 also talks of training and the same cannot be ignored.

14. Replying to the said contention of learned A.A.G., Ms. Shubha Jha places reliance on the judgment of this Court in case of **Om Prakash Gope Vs. State of Jharkhand (W.P.S. No. 5658 of 2009)** and para-7 of Full Bench's judgment and para-90 of the Hon'ble Apex Court's judgment and submits that training is not required at this stage as already the teachers who are working since last 30 years have gained sufficient experience and as such, nine months' training will not come in the way while considering their cases and for parity, they have to be absorbed similarly, as that of **Sarju Prasad Gupta (supra)** and other cases, in which judgments have been rendered by this Court. As such, the resolution dated 25.04.2018 is arbitrary, violative of Articles 14, 16 and 21 of the Constitution. It has also been argued that letter dated 04.02.1989, has already been quashed, which finds place in para-7 of the wireless message and as such, reliance on circular dated 04.02.1989 is totally misconceived.

15. Be that as it may, having gone through the rival submissions of the parties and taking into consideration several orders passed by this Court on earlier occasions, this Court is of the considered opinion that the cases of the petitioners need consideration. Some extracts of order dated 12.03.2018 passed by this Court is reproduced herein below:-

"The plea given by the Officers present in the Court today are not accepted by this Court. Budget, Assembly Sessions and the works of the Ministers are routine work but the poor teachers

cannot be deprived of their livelihood. The action of the respondent-authorities is highly condemnable. It is unconstitutional to deprive an employee of his livelihood. The interpretation sought to be given by the Authorities for denying salary and other emoluments is contrary to the very spirit and object of Service Jurisprudence and I find total lack of justification on the part of the respondents and their action undoubtedly tantamount to transgression of constitutional provision in the event of testing the same on the touchstone of Articles 16 and 21 of the Constitution of India”

16. The matter was argued out at length by the counsels on part of the petitioners (teaching and non-teaching staff) on several dates as well as today and several defects have been pointed out in the Notification dated 25.04.2018. Since the matter has been heard at length on various dates and after hearing both the sides, it appears that objections on the notification dated 25.04.2018, has been raised particularly on the following counts:-

(1) ABSORPTION OF UNTRAINED TEACHERS

- (i) That by way of wireless message, the Government of Bihar had absorbed the services of untrained teachers of 1st phase in the untrained scale, but however, in the 2nd phase, specially vide notification dated 25.04.2018, absorption of untrained teachers has not been provided.
- (ii) The notification dated 25.04.2018 creates a distinction between untrained teachers of 1st phase and untrained teachers of 2nd phase. At clause no. 2 (iv) - (ii) of the notification, it has been said that all untrained teachers, who have completed their training by 30th of September, 2007, will be considered for recognition of services, thereby denying recognition of those who have not obtained training degree.
- (iii) This is in contradiction to the findings of Hon’ble Full Bench, Patna High Court, wherein at paragraph no. 7 of the judgment, it has been stated that there will be no discrimination between the teachers of different phases, as because the appointment has been done under the same scheme.
- (iv) At paragraph no. 2 (iv) – (i), the respondents have taken help of Sukhdeo Gope Vrs. State of Jharkhand & Ors., W.P. (S) No. 5161 of 2009, to say that training is essential requirement to be done by all, by the cut-off date of 30.09.2007, this is a wrong understanding of the judgment. The judgment of Sukhdeo Gope has been based upon the Full Bench Judgment of Hon’ble Patna High Court, which at paragraph 33 says that minimum qualification has to be attained by the cut-off date of 30.09.2007.

- (v) The cut-off date prescribed is 30.09.2007 for attainment of minimum qualification, may be graduation and training for trained scale and has to be only graduation for untrained scale. Therefore, it means that to be absorbed / recognized in the untrained scale, the minimum qualification is graduation. This is what has been done in the case of untrained teachers of 1st phase.
- (vi) The reference made by the respondents, during the course of argument, of the scheme of the Government which came subsequently in the year 2000 and so on, in relation to essential training of all the teachers, cannot be made applicable for the appointments that has been made prior to 04.02.1989, i.e. retrospectively. Additionally it can also be said that the present teaching staff of Project Girls High School are governed by a peculiar scheme and therefore the general rulings of the Government cannot be made applicable in the present case without there being particular reference.
- (vii) The scheme was brought in to establish 650 schools in phase-wise manner covering 4 schools in each block. This scheme was designed to impart education to girl students in the most backward areas of the State. The teachers with the minimum qualification have imparted education to a number of students, who have passed and are well placed now. Instead of praising the efforts of teachers for imparting education for 30 years continuously, they are being segregated from the untrained teachers of same scheme of the 1st phase. The experience that they have attained cannot be negated.
- (viii) Non absorption of such teachers, who have performed their duties, without any complaint, and in the absence of salary, would only lead to unfair labour practices, unfairness and would give space to the vice of arbitrariness.
- (ix) The State of Jharkhand took a policy decision on 06.10.2012 to regularize / recognize the services of all trained and untrained teachers, who have been appointed prior to 04.02.1989 at paragraph no. 2 (vi) of the Government resolution. On the basis of this understanding, some untrained teachers have been absorbed and therefore any deviation from this position now would result in unsettling of what has already been settled.
- (x) In the orders of regularization of untrained teachers, it has been mentioned in the final paragraphs that their regularization is being done on the basis of the fact that untrained teachers of 1st phase i.e. 1981-82 have already been absorbed.

(xi) **Conclusion :-**

The above points raised are on the basis of reading of clause 2 (iv) – (i) & (ii) of the notification dated 25.04.2018. The reading of the said provisions only lead to the conclusion that the untrained teachers will never be absorbed if the provision is not amended/ taken back.

(2) **UNTRAINED WOMEN, SCHEDULE TRIBE AND HARIJAN TEACHERS**

- (i) Untrained Women, Schedule Tribe and Harijan are to be absorbed with a condition to attain training within 3 years after absorption, and this has been provided in the Government resolution dated 04.02.1989 at clause (iv).
- (ii) The notification dated 25.04.2018 is totally silent on this, and, instead has attempted to exclude this by bringing in provision of clause 2 (iv)- (i) & (ii) in the notification saying that without training to be obtained by the cut-off date of 30.09.2007, regularization is not possible.
- (iii) This is a case of unsettling the settled position and in fact it creates an artificial and arbitrary cut-off date as set by resolution of 25.04.2018, whereby those who have already been absorbed on the conditions of resolution of 04.02.1989 will stay absorbed, but those unfortunate who are similarly situated and were appointed at the same time and under the same scheme, but not regularized at that time due to laches on the part of the respondents, would now be covered by the provisions of new resolution dated 25.04.2018 meaning thereby they are not going to be regularized and they have to suffer at the hands of respondent-authorities, who have taken services from the poor petitioners for last 30 years without paying a single penny.

(3) **9TH POST HAS BEEN CONVERTED TO THAT OF MINORITY & OTHER LANGUAGE, AS PER MANAK MANDAL PROVIDED IN RESOLUTION DATED 04.02.1989**

- (i) It has been provided at clause no. 2 (iv)- (v) of the notification dated 25.04.2018 that absorption would be done on subject wise post in accordance with the MANAK MANDAL, as provided in the resolution dated 04.02.1989, which includes minority language of FARSI and URDU, commerce, music, arts, any one of these as per seniority, as one of the

subjects. This 9th post was created by amendment / deletion of one post of Science in improvement to what was provided in the letter dated 12.10.1982 (705).

- (ii) Creating a contradicting position at clause no. 5 (Ka)- (i) of the notification dated 25.04.2018, it has been mentioned that the subject wise posts decided as per MANAK MANDAL provided in the circular dated 12.10.1982 (705), which does not provide for any post of minority language and in fact talks about three posts under Science subject shall remain untouched.
- (iii) The said position of post existed in the year 1982, but subsequently vide resolution dated 04.02.1989, 9th post was created for other language by deleting one post of Science, which has continued all along and absorptions of similarly situated persons were made on this basis.
- (iv) Adopting the previous notification would only create a situation of discrimination amongst similarly situated teachers and would unsettle the settled position.

(4) DOUBLE COMMITTEES AND SCHOOLS BEING CLOSED:-

- (i) Clause 2 (iv)(i)(viii) talks about absorptions of such teachers who were appointed by either of the two Committees whereas, by Clause 7 (ii) of the said resolution such absorption is denied.
- (ii) By taking such decision nothing has been said in relation to the teachers who have continued to work for years together.
- (iii) Even if the school is to be closed, the teachers should be adjusted, but the cases of teachers of such schools are being rejected on the strength of Clause 7 (ii) of the said resolution.

(5) SOME SCHOOLS TO BE CLOSED:-

- (i) As per clause no. 6 of notification dated 25.04.2018, some of the schools are being closed, with a provision to adjust students in nearby schools, but nothing has been said about the teachers. Now the teachers who have continued to work for long are being ousted and their cases are being rejected on the strength of clause 6 of the notification.

(6) ALAM COMMITTEE REPORT.

- (i) At paragraph 5 (ka) – (v) of notification dated 25.04.2018, it has been stated that all the cases that were not considered and were rejected by Alam Committee will not be re-considered. This gives a long rope to the respondents to reject the cases of the teaching and non-teaching staff, for

the reason that cases of none of the staff/ petitioners before the court have been allowed by the Alam Committee, and if the Alam Committee in individual cases prevail, it can be said that even before consideration, the cases of the candidates shall stand rejected, as because according to resolution dated 25.04.2018, the Alam Committee has not to be disputed, which in fact has already rejected all the cases.

- (ii) Therefore, in the interest of justice, respondents may consider only factual aspects of the Alam Committee and their decision for regularization shall be based on the principles laid down by the Full Bench of Hon'ble Patna High Court and that of Hon'ble Apex Court and also Co-ordinate Benches of this Hon'ble Court.

(7) NON-TEACHING STAFF, IN WHOSE PLACE GOVERNMENT STAFF ARE DEPUTED

- (i) In the cases of non-teaching staff, it has been held by the Alam Committee that those sanctioned posts which were filled by the regular Government employees by way of deputation, even when the employees appointed under the scheme were already working, then the cases of such non-teaching employees will not be considered for absorption.
- (ii) This is not tenable in the eyes of law, as because in all such cases, the non-teaching staff appointed by the Managing Committee under the scheme were appointed and working prior to the posting of the government employees on such posts.
- (iii) Another reason is that if the post has been created under a scheme, appointment on such sanctioned post should be done within the premises of process of appointment under the scheme, and therefore, posting of regular government employees (not provided in the scheme) cannot replace those who were already appointed and working under the scheme.
- (iv) Aforesaid aspect has been upheld in the case of *Lakshpat Yadav Vrs. State of Jharkhand and others*, in *WPS No. 4219 of 2011 (30.10.2015)*, and in compliance thereof, the order of absorption is passed on 28.10.2016 by the respondents themselves.

- 17.** Thus in view of the submissions made by the respective parties, it appears that though the notification dated 25.04.2018 covers the cases of the teachers of Project Girls' High School, in general, but however, it is necessary that some clarification must be brought in, so that the policy decision may not remain vague

on any count, as because, it can become a breeding ground for arbitrariness and the authorities may discriminate the cases on their whims and fancies. It is necessary that the principles laid down by the Hon'ble Patna High Court Full Bench and Hon'ble Apex Court should be followed word-by-word and in its true letter and spirit so that the teachers who have been working for years together may get benefited accordingly. Thus, it is advisable to bring certain modifications/ additions in the notification dated 25.04.2018 by way of corrigendum, so that the cases of teaching and non-teaching staff, which are covered by the judgment of Hon'ble Patna High Court (FB), Hon'ble Supreme Court of India, the matters decided by Single Bench of this Hon'ble Court in individual cases and the cases of similarly situated persons which have been decided by the respondent state on earlier occasions, be appropriately considered and absorption be made accordingly so as to avoid further litigation and arbitrariness in the hands of respondent-authorities. The notification dated 25.04.2018 has set an artificial cut-off date only for treating similarly situated persons in different manner, and thus will create class within class, which is not tenable in the eyes of law. At the cost of repetition it has to be stated that non absorption of such teachers, who have performed their duties, without any complaint, and in the absence of salary, would lead to unfair labour practices, unfairness and would give space to the vice of arbitrariness.

18. In view of the abovementioned facts, the following clarifications/ corrections/ additions are required to be brought in the Notification dated 25.04.2018, by way of bringing appropriate Corrigendum by the State Govt. keeping in view following points:-

- (i) The untrained teachers have to be absorbed in the regular services though initially in the untrained scale but with a condition to complete their teachers' training course/B.Ed. course within a stipulated time period to be decided by the Govt. and on successful completion of the said course they may be granted the benefits of trained scale.
- (ii) The post of 'other teachers' (minority language, music, arts, commerce, anyone amongst all on the basis of seniority) has to be accepted as 9th post in the MANAK MANDAL. Further, teachers appointed prior to coming into effect of the letter dated 04.02.1989 and duly appointed by the Managing Committee of the Schools concerned shall be taken care of by giving necessary relaxation as has been done during the absorption of teachers in the 1st phase.

- (iii) The cases where schools are to be closed, the teachers shall be regularized/absorbed by making adjustments in other Government schools on regular basis.
- (iv) Such Non-teaching staff, whose cases have been rejected by Alam Committee, on the ground that subsequent Govt. appointees were also deputed/appointed on the same post, their services would be absorbed on the same sanctioned post, and the deputies would be adjusted / repatriated to their original cadre.
- (v) The Alam Committee's report will not come into the way of absorption of employees, if such cases have been rejected by Alam Committee on the principles contrary to the directions of Hon'ble Patna High Court (FB) passed in **Project Uchcha Vidyalaya Shikshak Sangh (Supra.)**, confirmed by Hon'ble Apex Court and against the principles as being laid down by this Hon'ble Court in the paragraph-17, as also against the directions of the Co-ordinate Benches of this Hon'ble Court in other writ petitions in individual cases.
- (vi) All female category teachers and teachers belonging to Harijan, Scheduled Caste / Scheduled Tribe candidates, who are untrained, shall be absorbed.
- (vii) In some of the writ petitions there is impugned order of rejection of their candidature for absorption. It is made clear that in all such cases fresh consideration in light of direction given hereinabove shall be made, without being prejudiced or influenced by the earlier order of impugned rejection.

19. As a cumulative effect of the aforesaid rules, guidelines, observations and judicial pronouncements and considering the peculiar facts and circumstances of the case, it goes without saying that the cases of teaching and non-teaching staff of the Project Girls' High School, who are working since last 30 years without salary, deserves to be considered. Though the State Govt., after several orders passed by this Court, have come-out with resolution dated 25.04.2018 but the said resolution has not taken care of the judgments delivered by the Full Bench of the Hon'ble Patna High Court and affirmed by the Hon'ble Apex Court. Even earlier, several cases fell for consideration before this Hon'ble Court and several orders were passed by the Co-ordinate Benches and also that of by the Division Bench, but the same has not been incorporated in its true letter and spirit in the resolution dated 25.04.2018.

- 20.** Under the aforesaid facts and circumstances, considering the each and every aspects of the matter, I hereby direct the respondent-State particularly, Principal Secretary, School Education and Literacy Department, Govt. of Jharkhand, Ranchi to consider the cases of the petitioners taking into account the aforesaid observations and directions Further, instead of quashing the entire resolution, I hereby direct the Principal Secretary of the School Education and Literacy Department, Govt. of Jharkhand, Ranchi to come-out with a corrigendum, taking into consideration para-18 of the judgment passed in this case and take all necessary steps for consideration of left over cases of the teaching and non-teaching staff of the Project Girls' High School for their regularization and absorptions and also for payment of their salary with all consequential benefits. Taking stock of the suffering of the teachers and other non-teaching staff who have worked for almost 30 years without any salary, the respondents are directed to complete the entire exercise within a period of two months from the date of receipt/production of a copy of this order.
- 21.** With the aforesaid observations and directions, these writ petitions stand allowed.
- 22.** As a sequel to the disposal of these writ petitions, pending I.A.s, if any, stand disposed.

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

RC/kunal