IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(S) No. 3297 of 2020

Smt. Marsleyani Bagraila, aged about 62 years, w/o late Vijay Chandra Bagraila, r/o Burhi Jharain, PO-Sikorda, PS-Bano, District-Simdega (Jhrakhand) ….. Petitioner

-- Versus --

1.The State of Jharkhand through the Secretary, Human Resources Development Department, Government of Jharkhand, Project Building, Dhurwa, PO Dhurwa, PS-Jagannathpur, District-Ranchi

2.The Director, Primary Education, Human Resources Development Department, Government of Jharkhand, Project Building, Dhurwa, PO-Dhurwa, PS –Jannathpur, District-Ranchi

3.The District Superintendent of Education, Simdega, PO and PS and District Simdega, Jharkhand …... Respondents

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Ms. Shama Parween, Advocate
For Resp.-State :- Mr. Awanish Shekhar, Advocate

4/11.12.2020 Heard Ms. Shama Parween, the learned counsel for the petitioner and Mr. Awanish Shekhar, the learned counsel appearing for the respondent State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

The petitioner has preferred this writ petition for a direction upon the respondents to pay the amount of leave encashment along with the statutory and penal interest.

The petitioner's husband was teacher of R.C.Middle School Lachragadh, Kolebira, Dist-Simdega which is aided minority primary/middle school situated within the District-Simdega. The appointment was approved by the District Superintendent of Education, Simdega. He was teacher appointed on 01.07.1982 and died on

20.06.2009.

The learned counsel for the petitioner submits that this case is fully covered in view of Division Bench judgment rendered in W.P.(S) No.506 of 2013 in the case of *"Mariam Tirkey'* reported in *2014 (1) JBCJ 465.* She submits that the petitioner has already filed representation in view of the Annexure-2 but no decision has been taken as yet on the same.

Mr. Awnish Shankar, the learned counsel for the respondent State submits that the representation shall be decided by the competent authority.

In view of the above facts and submissions of the learned counsels appearing for the parties, the petitioner is directed to file a fresh representation along with the credentials on which the petitioner is relying before the respondent no.2. If such representation is filed before the respondent no.2 within the aforesaid period, the respondent no.2 will take a decision within three weeks on such representation in accordance with the rules, regulations and the guidelines and looking to the judgment rendered in the case of *'Mariam Tirkey' supra* and shall pass an appropriate reasoned order.

It goes without saying that if the decision is taken in favour of the petitioner, the benefit of the same shall be released in favour of the petitioner within eight weeks further thereafter.

With the aforesaid observation and direction, the writ petition [W.P.(S) No. 3297 of 2020] stands disposed of.

(Sanjay Kumar Dwivedi, J)

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