IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 3217 of 2022

1. Nawal Kishore Prasad
2. Dilip Kumar Singh
3. Ashok Kumar Singh ….. Petitioners

Versus

1. Vinoba Bhave University, through its Vice Chancellor, Hazaribagh
2. The Registrar, Vinoba Bhave University, Hazaribagh
3. J. M. College, Bhurkunda, Ramgarh, through its Principal
4. Governing Body of J. M. College, Bhurkunda, Ramgarh, represented through its Ex-officio Principal-cum-Principal/Professor In-Charge
5. Principal/Professor In-Charge, J. M. College, Bhurkunda, Ramgarh
6. State of Jharkhand, through the Secretary, Higher, Technical Education and Skill Development Department, Ranchi ….. Respondents

With

W.P.(S) No. 7245 of 2023

Rajendra Prasad ….. Petitioner

Versus

1. State of Jharkhand, through the Secretary, Higher & Technical Education Department, Ranchi
2. Vinoba Bhave University, through its Vice Chancellor, Hazaribagh
3. The Registrar, Vinoba Bhave University, Hazaribagh
4. J. M. College, Bhurkunda, Ramgarh, through its Principal
5. Governing Body of J. M. College, Bhurkunda, Ramgarh, represented through its Ex-officio Member-cum-Principal/Professor In-Charge ….. Respondents

---

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners: Mr. Atanu Banerjee, Advocate
For the State: Mr. Kishore Kr. Singh, S.C-II
For the College: Mr. Dhananjay Kr. Dubey, Advocate

21/01.05.2026 W.P.(S) No. 3217 of 2022 has been filed seeking following reliefs:

> "(i) For issuance of an appropriate writ(s)/order(s)/direction(s) or a writ in nature of certiorari for quashing of respective retirement notices/retirement intimation letters all being dated 10.02.2022 issued vide Reference Nos. JMC/10/22 dated 10.02.2022, JMC/11/22 dated 10.02.2022 and JMC/12/22 dated 10.02.2022 respectively (Annexure-7 series) being issued under the signature of Principal, J. M. College, Bhurkunda whereby the petitioners have been informed that they have retired on 15.04.2021, 16.01.2022 and 03.02.2022 respectively on

completion of their tenure treating them to be Laboratory Technician.

(ii) For issuance of an appropriate consequential writ(s)/order(s)/direction(s) or a writ in nature of mandamus commanding upon the concerned respondents and in particular the respondent Nos. 4 and 5 to immediately and forthwith reinstate the petitioners in the services on the post of Demonstrator in J. M. College, Bhurkunda and petitioners be allowed to complete their full length of tenure till the petitioners attain the age of 65 years i.e. age of superannuation, the petitioner No.1 would attain the age of superannuation on 15.04.2026, petitioner No.2 would attain the age of superannuation on 16.01.2027 and petitioner No.3 would attain the age of superannuation on 03.02.2027 and accordingly the concerned respondents may kindly further be directed to extend consequential benefits to the petitioners.

(iii) For issuance of an appropriate consequential writ(s)/order(s)/direction(s) or a writ in nature of mandamus commanding upon the concerned respondents and in particular the respondent Nos. 4 and 5 to treat the period from 10.02.2022 i.e. when the petitioners illegally retired from the services of J. M. College, Bhurkunda till the date of their reinstatement, as period of continuity in service for the purpose of grant of legally admissible benefits and pensionary benefits."

2. In W.P.(S) No. 7245 of 2023, the petitioner has made the following prayers:

"(i) For issuance of an appropriate writ(s)/order(s)/direction(s) particularly a writ in nature of certiorari for quashing the letter No. JMC/114/23 dated 09.12.2023 (Annexure-7) issued by respondent No.4-J. M. College, Bhurkunda under the signature of its Principal whereby the petitioner has been addressed as Laboratory Technician instead of re-designated Demonstrator and the petitioner noticed that his service tenure is going to be complete on 10.01.2024 and it has also been communicated in the said letter to the petitioner that if there is any liability/dues of the department or college with the petitioner then the same be

handed over to the college, so that after retirement, the admissible amount could be paid by the college.

(ii) For issuance of an appropriate writ(s)/order(s)/direction(s) particularly a writ of mandamus commanding upon the concerned respondents particularly the resonant Nos. 4 and 5 to consider the case of the petitioner and allow the petitioner to continue in service with all consequential benefits till the petitioner attains the age of 62 years."

3. Mr. Dhananjay Kr. Dubey, learned counsel for the respondent-college, refers to the provisions of Section 8 of the Jharkhand Education Tribunal Act, 2005 (hereinafter referred to as 'the Act, 2005') and submits that as per the said provision, the jurisdiction of adjudicating the dispute raised by the petitioners in the present writ petitions lies before the Jharkhand Education Tribunal. As such, the petitioners may be relegated to seek their remedy before the said Tribunal.

4. Mr. Atanu Banerjee, learned counsel for the petitioners, submits that as per Section 10(2) of the Act, 2005, the Tribunal is to admit an application filed within a period of six months from the date of issue of an order by an education institution. Since the impugned orders have been passed by the respondent-college in the year 2022/23, the said provision may come in the way of the petitioners to seek their remedies before the Jharkhand Education Tribunal.

5. Having considered the said submissions of learned counsel for the parties as well as the provision of Section 8 of the Act, 2005, this Court is of the view that the impugned orders passed by the respondent-college against the petitioners are required to be challenged by them before the Jharkhand Education Tribunal at the first instance.

6. Hence, this Court, instead of entertaining these writ petitions on merit, intends to give liberty to the petitioners to prefer their respective applications before the Jharkhand Education Tribunal challenging the impugned orders passed by the respondent-college.

7. Since there is a period of limitation as provided under Section 10 of the Act, 2005, it is observed that if the petitioners file their respective applications before the Jharkhand Education Tribunal within four weeks from the date of this order, the said Tribunal shall proceed to entertain those applications on their merit without going into the issue of limitation.

8. Mr. Atanu Banerjee, learned counsel for the petitioners, also invites the attention of this Court towards the interim order dated 03.01.2024 passed by this Court in W.P.(S) No. 7245 of 2023 staying the operation of the letter dated 09.12.2023 issued by the Principal of J. M. College, Bhurkunda, Ramgarh and submits that the petitioner of the said case may also be given liberty to prefer an interlocutory application before the Jharkhand Education Tribunal seeking interim relief and the said Tribunal may be directed to take appropriate decision on the same expeditiously.

9. I find justification in the said submission of learned counsel for the petitioners, particularly, in view of the fact that W.P.(S) No. 7245 of 2023 has remained pending before this Court for a considerable period in which an interim order has also been passed and the same is still in operation.

10. Under the said circumstances, the petitioner of W.P.(S) No. 7245 of 2023 is also given liberty to prefer an interlocutory application within the aforesaid period along with the original application before the Jharkhand Education Tribunal seeking interim relief in the matter. If the said interlocutory application is filed on behalf of the said petitioner, the Jharkhand Education Tribunal shall take up the same expeditiously and pass appropriate order on the same.

11. Mr. Dhananjay Kr. Dubey, learned counsel for the respondent-college, submits that till an appropriate order is passed by the Jharkhand Education Tribunal on the interlocutory application filed by the petitioner of W.P.(S) No. 7245 of 2023, the respondent-college shall not take any coercive measure with respect to the present issue against the said petitioner.

12. Both the writ petitions are accordingly disposed of with the aforesaid liberty and direction.

13. Pending interlocutory application, if any, also stands disposed of.

Satish/- (RAJESH SHANKAR, J)