

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 71 of 2019

1. Kumari Nutan Sinha, aged about 38 years, wife of Guru Prasad Sao, resident of Ramua Saat Mile More Vishnugarh, P.O. & P.S.-Vishnugarh, District Hazaribagh(Jharkhand)
2. Jol Joren Porh Kujur, aged about 40 years, wife of James Porh, resident of Anand Puri Colony, P.O. & P.S. College More, District Hazaribagh (Jharkhand)
3. Kumari Jyoti, aged about 38 years, wife of Kailash Rana, resident of M/52, Ara Colony, Near Bal Vidya Mandir School, P.O. & P.S. Mandu, District Ramgarh (Jharkhand)
4. Seema Horo, aged about 48 years, Daughter of Late Marks Horo, resident of Hurhuru Patratu, P.O. & P.S. Patratu, District-Hazaribagh (Jharkhand)
5. Premchand Ram, aged about 48 years, Son of Darshan Ram, resident of Banthu, Parsoni, P.O. & P.S.- Itkhori, District Chatra (Jharkhand)
6. Rajendra Kumar Gupta, aged about 42 years, Son of Basudeo Sao, resident of village - Katkamdag, Sultana, P.O. & P.S. Katkamdag, District-Hazaribagh (Jharkhand)
7. Paras Nath Mahto, aged about 40 years, Son of Balli Mahto, resident of village- Sarvaha, P.O. & P.S. Charhi, District- Hazaribagh (Jharkhand)
8. Indu Devi, aged 43 years, Wife of Ramphal Paswan, resident of Rola, P.S. Muffasil, District Hazaribagh (Jharkhand)

..... Petitioners

Versus

1. The State of Jharkhand
2. The Principal Secretary, Department of Vidyalaya education and literacy department, Government of Jharkhand, Project Bhawan, Dhurwa, P.O. and P.S. Jagannathpur, District Ranchi.
3. The Director, Jharkhand Education Project Council, having its office at Dhurwa P.O. and P.S. Jagannathpur, District Ranchi.
4. The Deputy Commissioner, Hazaribagh, P.O., P.S and District-Hazaribagh.
5. The District Superintendent of Education- cum- District Programme Officer, Hazaribagh, P.O., P.S and District- Hazaribagh.

..... Respondents.

CORAM: - HON'BLE MR. JUSTICE AMBUJ NATH

For the Petitioners	: Mr. Rishu Ranjan, Advocate
For the Resp.-State	: Mr. Neil Abhijit Toppo, A.C. to GA-V
For the Res.-JEPC	: Mr. Krishna Murari, Advocate

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05/28.08.2024

Heard the parties.

The present Writ Petition has been filed for issuance of direction upon the respondents to regularize the services of the petitioners on the post of Teacher / Assistant teacher /Accountant-cum-Computer Operation, Cook and Choukidar since they are working on the said posts under respondents for last 10 years on fixed remuneration in different schools in the district of Hazaribagh situated in different Blocks.

Mr. Krishna Murari, learned counsel on behalf of the J.E.P.C. submitted that the issue regarding the regularization of candidates working in different schemes under “Sarva Siksha Abhiyan” has been laid down to rest by learned Single Judge of this Court passed in W.P.(S) No. 602 of 2019, vide order dated 19.02.2024. The learned Single Judge in the aforesaid writ application has held that;

*“The fact and circumstance of the present case is quite different from the aforesaid referred cases as in the present case, the petitioners are not under the direct appointment of the State Government, rather they have been engaged on contractual basis by the JEPC which is an implementing agency of “Samagra Siksha Abhiyan”. Thus, I am of the Considered view that the ratio laid down in the case of **Narendra Kumar Tiwari & Others versus The State of Jharkhand & Others** reported in – (2018) 8 SCC 238 will not be applicable in the case of the petitioners.”*

Learned counsel on behalf of the petitioners has relied upon the decision/judgment of the Hon’ble Supreme Court reported in 2024 LiveLaw (SC) 330, in which the Hon’ble Supreme Court has held in the case of **Vinod Kumar & Others versus Union of India & Others**.

“In light of the reasons recorded above, this Court finds merit in the appellants’ arguments and holds that their service conditions, as evolved over time, warrant a reclassification from temporary to regular status. The failure to recognize the substantive nature of their roles and their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and the intent behind employment regulations”.

The petitioners were appointed under Jharkhand Education Project Council (J.E.P.C.) Scheme and they were engaged on their respective posts on contractual basis as per the guidelines of the “Sarva Siksha

Abhiyan" issued by the Respondent No. 3 the Director, Jharkhand Education Project Council, Dhurwa, Ranchi with stipulation that their contractual engagement can be terminated any time after giving one month prior notice or on closure of the scheme. The petitioners are being paid consolidated emoluments/honorarium.

In view of the fact, that the petitioners are not under direct appointment of the State Government and further they have been engaged on contractual basis by J.E.P.C. (Jharkhand Education Project Council) under "Sarva Siksha Abhiyan" scheme. I am of the view that the prayer made by the petitioners for the regularization is untenable.

Accordingly, this Writ Petition is dismissed.

Pending I.A., if any, stands disposed of.

(Ambuj Nath, J.)

Jay/-