

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(S) No. 83 of 2020**

Meena Jaiswal wife of Sri Ajay Jaiswal, resident of Khairachatar, P.O. Khairachatar, P.S. Kasmar, District-Bokaro at presently residing at Flat No. 3D/305, Leela Ambaram Apartment, Bari Co-operative, Bokaro, P.O. and P.S. Sector-XII, Bokaro Steel City, District Bokaro, Jharkhand

..... Petitioner

Versus

1. The State of Jharkhand through the Principal Secretary, Human Resources Development Department, Ranchi

2. The Director, Primary Education, Human Resources Development Department, Govt. of Jharkhand, Ranchi

3. The District Superintendent of Education, Bokaro.

4. The Drawing Disbursing Officer (Nikasi Vyayan Padadhikari), Kasmar Block, Bokaro.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner

: Mr. Yadu Nandan Mishra, Advocate

For the Respondent-State

: Mr. Rahul Kamlesh, A.C. to Mr. S.C.-IV.

02/Dated: 26/06/2020

1. Heard, Mr. Yadu Nandan Mishra, learned counsel for the petitioner and

Mr. Rahul Kamlesh, learned counsel for the respondent-State

2. 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.

3. Petitioner has preferred this writ petition for direction upon the respondents to make payment of house rent allowance to the petitioner which is due from the month of May, 2013 to January, 2017.

4. Mr. Yadu Nandan Mishra, learned counsel for the petitioner submits that the petitioner was appointed as an Assistant Teacher and joined on 16.12.2004 in Middle School, Dhadkia, Kasmar Block of Bokaro District. He further submits that the house rent allowance from the month of May, 2013 to January, 2017 has not been paid to the petitioner. He further submits that petitioner is entitled for house rent allowance but the same has not been paid to the petitioner. The petitioner approached the respondent nos. 3 and 4 by filing representation on several occasions but they have

not passed any order with regard to representation of the petitioner till date. He further submits that the husband of the petitioner namely, Ajay Jaiswal is also working as establishment Incharge in Middle School, Khaira, Chatar in Kasmar Block and he resides there. He further submits that the criteria is that both husband and wife are working as government servant, house rent allowance may not be prevented. He further submits that this matter is covered in view of judgment of the Co-ordinate Bench of this Court rendered in W.P.(S) No. 5235 of 2015 dated 07.09.2016 and in that view of the matter, prayer of the petitioner needs to be allowed.

5. Mr. Rahul Kamlesh, learned counsel for the respondent-State submits that if the Annexure-2 which is judgment on which the petitioner is relying by which the case of the petitioner is covered, the same can be considered and respondent no. 3 shall take into consideration that judgment and will pass appropriate order.

6. In view of above facts and considering that the representation of the petitioner has not been decided as yet, the petitioner is directed to approach the respondent no. 3 and file fresh representation along with copy of judgment rendered in W.P.(S) No. 5235 of 2015 within a period of four weeks from today. If such representation is filed within the aforesaid period, the respondent no. 3 shall consider the representation of the petitioner under the facts stated in the representation as well as he will take into consideration the judgment rendered by the Co-ordinate Bench of this Court in W.P.(S) No. 5235 of 2015 and pass reasoned speaking order within a period of 8 weeks thereafter. It goes without saying that if the decision is taken in favour of the petitioner, house rent allowance will be released in favour of the petitioner within two weeks thereafter.

7. With the aforesaid observation and direction, the writ petition is disposed of.

(Sanjay Kumar Dwivedi, J.)

Satyarthi/