

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No.3269 of 2019

Kanak Tirkey, aged about 80 years, daughter of Late Priti Subarno,
resident of House No.535, Indira Gandhi Chowk, Sahu Toli, Upper
Chutiya, Ranchi, P.O. & P.S. Chutiya, Ranchi, Jharkhand

.... Petitioner

Versus

1. The State of Jharkhand
2. The Principal Secretary, Department of School Education and Literacy, Government of Jharkhand, At Project Building, P.O. & P.S. Dhurwa, District Ranchi, Jharkhand
3. The Director, Primary Education, Department of School Education and Literacy, Government of Jharkhand, At Project Building, P.O. & P.S. Dhurwa, District Ranchi, Jharkhand
4. District Superintendent of Educaiton, Ranchi having its office at P.O. G.P.O. & P.S. Kotwali, District Ranchi, Jharkhand
5. Secretary/Head Master, Miss Whipham Girls Middle School, Chutiya, At P.O. & P.S. Chutiya, District Ranchi, Jharkhand

.... Respondents

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Kumar Sundaram, Advocate

For the Respondents : Mr. Ankit Kumar, A.C. to S.C. Mines I

05/09.07.2020 Heard Mr. Kumar Sundaram, learned counsel for the petitioner and Mr. Ankit Kumar, A.C. to S.C. Mines I, learned counsel for the respondents.

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 moved before this Court for direction upon the respondents to consider and make payment of Leave Encashment for un-availed leave, earned leave during service period with interest.

Learned counsel appearing for the petitioner submits that the petitioner was appointed on the post of Assistant Teacher on 05.01.1971 and retired on 31.05.1999. He submits that leave encashment has not been paid to the petitioner and she is entitled for the same in view of judgment of this Court in the case of *Mariyam*

Tirkey Versus State of Jharkhand & Others passed in W.P.(S) 506 of 2013. He further submits that she has already filed representation but no decision has been taken as yet.

Learned counsel for the respondents submits that the petitioner may kindly be directed to file fresh representation before respondent no.3 who will take decision in accordance with rules, regulations and guidelines and taking into account the judgment referred in the case of *Mariyam Tirkey* (supra).

Accordingly, the petitioner is directed to file fresh representation along with the aforesaid judgment before respondent no.3 within a period of four weeks. If such representation is filed within the aforesaid period, the respondent no.3 shall consider the case of the petitioner in the light of judgment of this Court in the case of *Mariyam Tirkey* within a period of eight weeks thereafter. If the case of the petitioner is covered by that judgment, the benefit must be accrued in favour of the petitioner.

With the above aforesaid observation and direction, this writ petition stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Anit