



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2024
(Arising out of SLP(C) No. 21752 of 2024)

RAJESH KUMAR

....APPELLANT(S)

VERSUS

STATE OF JHARKHAND & ORS.

.... RESPONDENT(S)

J U D G M E N T

B.R.GAVAI, CJI.

1. Leave granted.
2. This appeal challenges the judgment and order dated 14th May, 2024 passed by the Division Bench of the High Court of Jharkhand at Ranchi in Letters Patent Appeal No. 398 of 2023 thereby dismissing the appeal filed by the present appellant. By the said judgment, the Division Bench of the High Court upheld the judgment and order dated 19th April, 2023 passed by the learned Single Judge of the High Court in W.P.(S) No. 3391 of 2020, whereby the learned Single Judge had dismissed the writ petition preferred by the appellant.

3. This appeal arises out of peculiar facts and circumstances.

4. The Jharkhand Staff Selection Commission issued an advertisement thereby inviting applications for appointment to the post of Trained Graduate Teacher (TGT) in Government Secondary Schools in the State of Jharkhand. As per the said advertisement, 25 per cent of the posts were reserved for the teachers of Government Primary Schools of Jharkhand having experience of minimum five years.

5. At the relevant time, the appellant was working in a minority school, which was fully (100 per cent) Government-aided.

6. Presuming himself to be eligible for appointment to the post of TGT under the aforesaid 25 per cent quota, the appellant submitted his application pursuant to the said advertisement.

7. It is not in dispute that the appellant was serving in St. Teresa Girls Middle School, Dudhani, Dumka, since 2nd April, 2008 and his appointment was confirmed by the Director, Primary Education *vide* Memo No. 1148 dated 27th May,

2009.

8. The appellant, while submitting the application, had also obtained 'No Objection Certificate' from the Office of the District Superintendent of Education, Dumka.

9. In the selection process, the appellant was found to be successful and his name was also recommended for appointment to the said post. However, since the appointment letter was not issued, the appellant preferred a writ petition before the High Court of Jharkhand being W.P.(S) No. 897 of 2019.

10. During the pendency of the said writ petition, the appellant's case was considered by the District Education Establishment Committee, Dumka in its meeting dated 19th October, 2019. The District Education Establishment Committee found the appellant to be eligible and directed appointment letter to be issued to the appellant. Therefore, an appointment letter was issued to the appellant on 24th October, 2019. In pursuance to which, the appellant had joined the post of TGT on 26th October, 2019.

11. Since the appellant was appointed, the W.P.(S) No. 897 of 2019 filed by the appellant had been rendered infructuous

and as such, the same was disposed of.

12. However, the appellant's services came to be terminated after almost a year *vide* Office Order dated 7th September, 2020. Thereafter, on 12th September, 2020 *vide* another Office Order the salary drawn by the appellant during the entirety of his service was sought to be recovered.

13. Being aggrieved, the appellant approached the High Court by way of a W.P.(S) No. 3391 of 2020 and the said writ petition came to be dismissed *vide* judgment and order dated 19th April, 2023.

14. The appellant thereafter preferred an appeal, which too came to be dismissed by the Division Bench of the High Court, by the impugned judgment and order.

15. Being aggrieved thereby, the present appeal has been filed.

16. Heard Mr. Adarsh Kumar Tiwari, learned counsel appearing for the appellant and Mr. Sudhir Bisla, learned counsel appearing for the respondent-State.

17. Mr. Adarsh Kumar Tiwari, learned counsel appearing for the appellant submitted that the appellant was working in a 100 per cent Government-Aided Minority School and as

such was very much eligible for the 25 per cent quota for the teachers working in Government Elementary Schools. He submitted that it is not in dispute that the appellant possessed the requisite experience and qualification.

18. Mr. Sudhir Bisla, learned counsel for the respondent has vehemently opposed the appeal. He submitted that the aforesaid quota was reserved only for the teachers working in the Government Elementary Schools. He submitted that the Government Aided Minority School cannot be equated with the Government Elementary Schools.

19. He, therefore, submitted that no interference would be warranted with the concurrent orders of the learned Single Judge of the High Court and the learned Division Bench of the High Court.

20. We find substance in the stand taken by the respondent-State.

21. Perusal of the advertisement would clearly reveal that 25 per cent quota was reserved for the teachers working in the Government Elementary Schools having the experience of five years.

22. As such, strictly speaking, the appellant was not eligible to be considered for the said post. However, in the present case, the Jharkhand Staff Selection Commission has not only found the appellant eligible but also the District Education Establishment Committee, after finding him eligible for the said post in its meeting dated 19th October, 2019, directed to issue the appointment letter to the appellant. As such, an appointment letter was issued to the appellant on 24th October, 2019.

23. It is only after a year that the appellant's appointment was cancelled and an order of recovery was issued against him.

24. We find that the appellant has been caught in a peculiar situation. Acting on the order dated 24th October, 2019, he has left his earlier job and now has also been terminated from service in the Government Secondary School.

25. The appellant cannot be penalized for the mistakes committed by the Jharkhand Staff Selection Commission or the District Education Establishment Committee, Dumka.

26. Though, the appellant was not eligible for the said post, the Jharkhand Staff Selection Commission accepted his

application as being in order and, upon finding him suitable, selected him for appointment. Not only did the Jharkahnd Staff Selection Commission consider him fit for the post but the Office of the District Superintendent of Education, Dumka issued a 'No Objection Certificate'.

27. Furthermore, the District Education Establishment Committee, Dumka in its meeting held on 19th October, 2019 also found him eligible and as such directed the issuance of an appointment letter to the appellant.

28. In that view of the matter and in the peculiar facts and circumstances of the present case, we are inclined to allow the present appeal. The Office Order dated 7th September, 2020 directing the cancellation of appointment of the appellant and Office Order dated 12th September, 2020 directing recovery of the salary are quashed and set aside. Ordered accordingly.

29. The appellant shall be reinstated in the Government School forthwith.

30. Though we direct the appellant be reinstated forthwith with continuity in service for all purposes, including terminal benefits, the appellant shall not be entitled to back wages for the period during which he remained out of employment.

31. Needless to state this order shall be complied with on or prior 1st October, 2025.

32. We further clarify that we are passing the aforesaid order in the peculiar facts and circumstances of the present case and it shall not be treated as precedent in any other matter.

33. Pending application(s), if any, stand disposed of.

.....CJI
(B.R. GAVAI)

.....J
(K. VINOD CHANDRAN)

New Delhi
September 16, 2025