
(2008) 07 JH CK 0073
In the Jharkhand High Court

Brahmdeo Choudhary

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-07-2008

Acts Referred:

Citation : (2008) 4 JCR 694

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—The petitioner has prayed for quashing the order dated 25.6.2002 passed by the Director, Secondary Education, Jharkhand, Ranohi Respondent No. 2.(Annexure-2), whereby the claim of petitioner for recognition of his post as founder Headmaster, has been rejected.

2. Mr. A.K. Sahani submitted that petitioner was appointed on 1.1.1981 as Assistant Teacher by the Managing Committee of Adivasi High School Chhappargarha, Tenughat (Now in the district of Bokaro) (Annexure 1). The Managing Committee appointed him as Headmaster by order dated 21st January, 1981 (Annexure-2). Thereafter, has been working as Headmaster in the said school but as his name was not recommended for recognition for the appointment as Headmaster, he filed a writ petition being W.P.S No. 5294 of 2001. The petitioner contended therein that his case is covered by the Judgment of Supreme Court Reported in 1998 II PLJR 2 A.K. Pradhan. The said writ petition was disposed of on 16.10.2001 with the direction to make representation before the Director, Secondary Education to determine as to whether the petitioner's case is covered by the said judgment or not. Mr. Sahani further submitted that thereafter the petitioner filed a detailed representation but by the impugned order, petitioner's case has been rejected wrongly.

3. The learned Counsel for the State, on the other hand, supported the impugned order and submitted that the recommendation dated 18.9.1995 (Annexure-8) made by the District Education Officer was obtained by misrepresentation and the petitioner was never appointed as Founder Headmaster. He further submitted

that the petitioner was appointed as Assistant Teacher and he was authorized by R.D.D.E., Hazaribagh to function as acting headmaster in the said school only vide memo dated 18th March 1983 and therefore, if the petitioner had functioned continuously as acting headmaster from 1.1.1982 then he could have been recognized as founder headmaster.

4. In reply Mr. Sahani submitted that the petitioner is not sanguine for being recognized as founder headmaster but after working for seven years as Incharge Headmaster, the petitioner's case should have been considered for recognizing him as Headmaster.

5. It appears that while passing the impugned order, respondent No. 2 has not considered the aforesaid direction of this Court. He was to consider whether the petitioner's case is covered by the case of A.K. Pradhan (Supra) or not. The appointment of the petitioner by the Managing Committee as Headmaster on 21st January, 1981 has not been denied and disputed by the respondents. It further appears that the petitioner was authorized to work as acting headmaster by the R.D.D.E, Hazaribagh by letter dated 18th March, 1983. It is not disputed that the petitioner is not working as acting headmaster at least after 18th March 1983. Therefore, the claim of the petitioner for recognizing him as Headmaster in view of the judgment of A.K. Pradhan, (supra), deserves reconsideration by the respondents.

6. In these circumstances, the matter is remitted to the Director, Secondary Education, Ranchi, (respondent No. 2). He will consider whether the petitioner can be recognized as headmaster at least from completion of 7 years from 18th March, 1983 when he was authorized to work as incharge headmaster by R.R.D.E. Hazaribagh. If it is found that the petitioner is entitled to such relief and the consequential benefits if any, the necessary order should be passed in that regard.

7. However, if it is found that the petitioner's claim is not tenable, the reasons therefore should be communicated to him. This exercise should be completed within four weeks from the date of receipt/production of a copy of this order alongwith a fresh representation of the petitioner.

With the aforesaid observations/directions, this writ petition is being disposed of.