
(2001) 08 JH CK 0038

In the Jharkhand High Court

Case No : Writ Petition (C) No. 2379 of 2001

DAV High School

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-08-2001

Acts Referred:

Citation : (2001) 08 JH CK 0038

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Amreshwar Sahay, Mihir Kumar Jha and V. Shivnath, for the Appellant; K.K. Singh, J.C. to AAG and Anil Kumar Sinha, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by D.A.V. High School through Laxman Yadav, Secretary, against the order contained in Memo No. 521. dated 29th May. 2001.

2. The main grievance of the petitioner is that the District Education Officer. Dhanbad has no jurisdiction to interfere with the day to day affair of a minority school, nor he has jurisdiction to induct S.D.E.O, Dhanbad as working Secretary of the School.

3. On notice, 6th respondent Suresh Singh has appeared and filed counter affidavit. A separate counter affidavit has been filed on behalf of State Authority, like respondent No. 4. An intervention application being LA. No. 1066/2001 has been filed on behalf of two teachers, namely, Pandit Ranvijay Kumar and Baban Upadhayay. Another intervention application, being I.A. No. 1086/2001 has been preferred on behalf of 11 teaching and non-teaching employees of the school.

4. Heard the parties.

5. Admittedly, D.A.V. High School, Dhan-bad-School for short is minority Government Aided School, registered under the Societies Registration Act. It is being run by Managing Committee. There appears to be a dispute cropped

between two set of committees. While 6th respondent, Suresh Singh claims to be Secretary of the elected Managing Committee. Laxman Yadav through whom writ petition has been preferred, claims to be Secretary of the ad hoc committee of the school.

6. Counsel for the parties accept that State Government has no jurisdiction to interfere with the day to day functioning of the school in question. There is also nothing on the record nor any rule or guideline has been produced before the Court to suggest that the State Authority has any jurisdiction to induct a Government Official to function as Incharge Secretary of the School.

7. Mr. Mihir Kumar Jha. counsel for the intervenor, Sadhu Sran Mistry and ten others and Mr. V. Shivnath. counsel for the intervenor Pandit Ranvijay Kumar and another submitted that because of dispute between the two sets of committees as the teachers were not getting salary for about last four years and the State Government releases fund for payment of salary to teaching and non-teaching employees of the school, S.D.E.O.. Dhanbad has been empowered only for the purpose of payment of salary. However, they also accept that no Government official, including S.D.E.O., Dhanbad can interfere with the day to day functioning of the school, nor can be asked to function as the Incharge Secretary of the School.

8. As suggested by the parties and in the interest of the teaching and non-teaching employees of the school, with a view to pay them salary, the impugned order contained in Memo No. 521, dated 29th May. 2001 is modified to the following extent :--

The sentence

^^,oa "kSf{k d okrk oj.k cuk;s j[kus** dk;Zdkjh lfpo dk dk;Z djus gsrq "and the sentence" ^^voj izeaMy f"k{k inkf/kdkjh] /kuckn izHkkjh lfpo dk dk;Z djrs gq, iz/kkuk/;kid dk Hkh dk;Z djsaxs**

"and the sentence" as shown between 5th to 8th line of the order dated 29th May, 2001 are deleted. The said order be treated to be an interim arrangement made by the DEO Dhanbad for payment of salary to the employees till the controversy of Managing Committee is resolved.

9. It is made clear that this Court has not decided the question as to whether a validly elected managing committee of the school has already been constituted or not. nor decided the issue as to whether the ad hoc committee through Laxman Yadav or the committee of which 6th respondent, Suresh Singh is the Secretary, is the valid committee to run the school or not.

10. The impugned Memo No. 521, dated 29th May, 2001 be also not treated to be any decision by the State Authority in this respect.

11. Aggrieved person if require any declaration relating to managing committee ad hoc committee or as its Secretary or member, may move before a Court of

competent Jurisdiction.

12. The Sub-Divisional Education Officer. Dhanbad is directed to take steps and pay salary to the approved teaching and non-teaching employees of the school, within a fortnight.

The writ petition stands disposed of.

13. Writ petition disposed of.