
(2002) 03 JH CK 0107

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1395 of 2002

Harendra Prasad Modi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0107

Hon'ble Judges : Vikramaditya Prasad, J

Bench : Single Bench

Advocate : Prakash Jha and Rajeev Lochan, for the Appellant; B. Poddar, J.C. to A.A.G., Anil Kumar Sinha and Saurav Arun, for the Respondent

Judgement

Vikramaditya Prasad, J.—This writ application is directed for issuance a writ/ direction commanding the respondents to allow the petitioner, to function as Professor Incharge/In-charge Principal, of Babu Lal Nand Lal (BLNL) Bohra Inter College, Rajmahal and not to disturb the functioning of the petitioner as Professor Incharge/Incharge Principal of the said college.

2. The question aforesaid arose out of a resolution issued by the Member of the Governing Body, vide resolution No. 4, contained in Annexure-1 to the writ application, whereby and whereunder the then principal Sri Anil Kumar Chaurasiya beg apology and also resigned from the post of Principal and by the same Annexure-1, vide resolution No. 5, Sri Harendra Prasad Modi was appointed as principal and a resolution was also taken that the operation of the Account will be made by their joint signatures i.e. Secretary and the Principal. Then it transpires that the Bihar Intermediate Education Council had approved the aforesaid resolution vide Annexure-3. Thereafter, the dispute arose because the Jharkhand Intermediate Education Council had come in being and by its letter No. 20.10.2001, they asked the Principal of the said college to send any objection with regard to the constitution of the administrative faculty in the college. Thereafter, by Annexure- 4/A Mr. Modi, the Principal Incharge informed the Council that the Administrative faculty should be kept in its existing form and

no modification/amendment be made thereto. From issue of this letter, the Principal Incharge, who is the writ petitioner herein, has got apprehension in his mind that his status as such was threatened. Consequently, he came to this Court in this writ petition.

3. A counter-affidavit has been filed on behalf of the respondent Nos. 2, 3 and 4, i.e., the Jharkhand Intermediate Education Council, Secretary, Jharkhand Intermediate Education Council and the Administrator, Jharkhand Intermediate Education Council. From the counter-affidavit, it transpires that the Secretary, Jharkhand Intermediate Education Council, has written a letter to the Deputy Commissioner, Sahebganj, in which it has been stated that two persons, namely, Sri Arun Mandal and Sri Dhruv Bhagat are claiming for the post of Secretary and two persons, namely, Sri Anil Kumar Chaurasiya and Sri Harendra Prasad Modi are claiming as the Incharge Principal of the said college and as such, a request has been made to enquire into the affairs of the college and to clarify as to who should be recognised as the principal. Subsequently, by Annexure-D, which has been sent by the Secretary of the Jharkhand Intermediate Council, to the Deputy Commissioner for sending his enquiry report and thirdly by Annexure-E a similar reminder has been issued by the Secretary of the, Jharkhand Intermediate Education Council. From the perusal of the counter-affidavit itself and the aforesaid Annexures, it is clear that the apprehension of the petitioner is not unfounded because the Jharkhand Intermediate Education Council by the aforesaid letters has itself clarified that two persons are claiming for each of the posts, which was against the resolution adopted by the Administrative Board of the college. But as the matter is under enquiry by the Deputy Commissioner and the Deputy Commissioner has not submitted enquiry report and keeping that report pending from August 2000 till date, it is directed that the Deputy Commissioner, Sahebganj, will send a recommendation enquiry report within a period of 15 days from the date of receipt/ production of a copy of this order and, thereafter, within a period of 30 days the respondents-Intermediate Council will take a decision keeping in view the resolution of the Administrative Board and in the meantime the status quo as today will be maintained.

4. Even thereafter the petitioner feels" aggrieved, he will, have the liberty to move before the appropriate forum.

5. With the aforesaid direction/observation this writ application is disposed of.