
(2018) 04 JH CK 0089
In the Jharkhand High Court
Case No : L.P.A No.08 of 2013

MURIEL KUMAR

APPELLANT

Vs

STATE OF JHARKHAND AND OTHER

RESPONDENT

Date of Decision : 12-04-2018

Acts Referred:

Citation : (2018) 04 JH CK 0089

Hon'ble Judges : D.N. Patel, J;Amitav K. Gupta, J

Bench : Division Bench

Advocate : Raunak Sahay, Dr. H. Waris,

Final Decision : Dismissed

Judgement

D.N. Patel, A.C.J

1. This Letters Patent Appeal has been preferred by the appellant (original petitioner) whose writ petition being W.P.(S) No.4607 of 2008 was dismissed by the learned Single Judge vide judgment and order dated 10.12.2012, whereby prayer for getting approval from the Government for the appointment on the post of Headmistress of the original petitioner was not accepted by the learned Single Judge, and hence, this appellant (original petitioner) has preferred this Letters Patent Appeal.
2. Having heard counsel for the respondent no.4 as well as counsel for the respondent "State, it appears that the post upon which the appellant (original petitioner) was appointed was never in existence.
3. It appears that without there being any existence of the post of Headmaster/ Headmistress, this appellant (original petitioner) was appointed as Headmistress, which was never sanctioned or approved by the Government, and hence, such appointee had preferred a writ petition being W.P.(S)

No.4607 of 2008, which was dismissed by the learned Single Judge, and hence, the appellant (original petitioner) has preferred this Letters Patent

Appeal.

4. Having heard counsel for the respondent no.4, and looking to the facts and circumstances of the case, it appears that the post in question for which

petition was preferred viz.- Headmistress. This appellant was selected by the Managing Committee of the Mission Primary School, Gomoh, District

â?" Dhanbad. No error has been committed by the respondent â?" State Government in not granting approval or sanction of such appointment on the

post of Headmistress to this appellant, mainly for the reason that there is no such post ever in existence. An affidavit was also filed by the State

Government in the writ petition being W.P.(S) No.4607 of 2008 in which also categorical stand was taken by the respondent â?" State that there is no

provision for the appointment on the post of Headmistress in a primary school. Such post is not in existence, and hence, the Managing Committee

cannot appoint this appellant as Headmistress. This aspect of the matter has been properly appreciated by the learned Single Judge.

5. Looking to the Government's notification, it appears that whosoever is the senior most teacher shall have to perform the duties on administrative

side, but, there is nothing like a post Headmaster or Headmistress. Hence, no such appointment can be sanctioned, approved or ratified by the

Government. This aspect of the matter has been properly appreciated by the learned Single Judge while deciding the writ petition being W.P.(S)

No.4607 of 2008 vide judgment and order dated 10.12.2012, and we see no reason to take any other view than what is taken by the learned Single

Judge.

6. There is no substance in this Letters Patent Appeal and the same is, therefore, dismissed.

7. Interim relief, if any, granted by this Court, stands vacated.