
(2026) 01 JH CK 1969
In the Jharkhand High Court
Case No : Writ Petition (S) No. 166 Of 2024

Muzaffar Ansari

APPELLANT

Vs

Jharkhand Academic Council, through the Secretary

RESPONDENT

Date of Decision : 29-01-2026

Acts Referred:

Citation : (2026) 01 JH CK 1969

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Rahul Kumar, Richa Sanchita, Risheta Singh, Suraj Prakash, Md. Shahabuddin

Final Decision : Allowed

Judgement

Ananda Sen, J

1. By filing this writ petition, the petitioners have prayed for the following reliefs:-

"(i) For issuance of an appropriate writ(s), order(s) or direction(s) in the nature of certiorari for quashing of the decision as contained in Memo No. JAC/Mada/232-3871/23 dated 28.12.2023 (Annexure-8) issued under the signature of the Respondent No.1; whereby the approval granted to the appointment of the petitioners vide letter no. JAC/Mada/232- 2118/23 dated 01.07.2023 has been cancelled on the strength of the recommendation made by the Deputy Commissioner, Godda as contained in letter no. 929 dated 3.08.2023.

(ii) For issuance of an appropriate writ(s), order(s) or direction(s) for quashing of the letter no. 929 dated 3.8.2023 (Annexure-7), whereby and whereunder on the basis of an ex-parte enquiry in relation to appointment of petitioners on the posts of Alim, Moulvi, Hafiz, Inter Trained and Matric Trained, their appointment has been recommended for cancellation on ground of lack of fairness in the selection process.

(iii) The petitioner further prays for issuance of appropriate writ, order or

direction for quashing of the enquiry report dated 17.7.2023 (Annexure-6) whereby and whereunder on the basis of vague and frivolous allegation it has been prima facie opined that the allegation in relation to appointment of the petitioners by way of favour is true and hence, they have been recommended for termination.

(iv) The petitioners upon quashing of the impugned orders further pray for issuance of an appropriate writ(s), order(s) or direction(s) to pay monthly salary to the petitioners in lieu of their valid and lawful appointment as against the sanctioned and vacant posts, which has been duly approved vide letter of JAC contained in memo no. 2118/23 dated 1.7.2023."

2. Heard learned counsel representing the petitioners, learned counsel representing the respondents - State & Jharkhand Academic Council (JAC), and learned counsel representing the interveners.

3. Be it noted that the intervener is not claiming any independent right. He is also not claiming for any appointment. Since, on his complaint, the impugned order of removal was passed, he has addressed this Court.

4. After hearing the parties at length, I find that after publication of an Advertisement being No.04/Mad/23 dated 20.04.2023, these petitioners were selected to the post of "Alim, Moulvi, Hafiz" in "Madarsa Darul Hoda, Kendua, Lalmatia, Godda". The said Madarsa is a Non-Government Aided Madarsa.

4.1. After the petitioners were selected, the intervener complained about the selection process. Upon his complaint, a Committee was formed for enquiring into the matter and based on the enquiry report of the Committee, the Deputy Commissioner of the District recommended withdrawal of approval of appointment of the petitioners.

4.2. From the records, I find that prior to the appointment, a similar complaint was lodged. The said complaint was enquired into by a Three Member Committee consisting of Regional Education Officer, Mahagama, Regional Education Officer, Godda and Sub-Divisional Education Officer, Godda.

4.3. On conclusion, of the aforesaid enquiry, an enquiry report was submitted. In the said report, it was opined that against the six sanctioned posts in Madarsa, written examination and interview were conducted. It was also opined that the guidelines and directions of Jharkhand Academic Council were followed and the President and the Secretary of the School Committee did not participate in the selection process, which suggest that the process was transparent. The report does not suggest any irregularity or illegality nor any malice was shown against any person in the appointment process.

4.4. After the aforesaid report was forwarded to the Authorities, the JAC approved the appointment of these petitioners as per law. The said Approval is at page No.52 (Annexure-5) of the writ petition. The said Approval dated 01.07.2023 clearly suggests that since the petitioners were selected after

following the due process, their appointment is being approved.

4.5. Once the appointment has been approved, the intervener made a complaint. As per the complaint, the allegations are as follows:-

"(i) the appointment process is not transparent and there was discrimination.

(ii) the applications of two candidates were not sent through post, rather they were submitted directly to the School Authorities, which were accepted.

(iii) the results were not affixed in the Notice Board and no one was informed.

(iv) there was discrimination in evaluating the answer papers

(v) there was exchange of money and also the relatives of persons have been appointed."

4.6. Based on the aforesaid allegation, the Deputy Commissioner formed a Three Member Committee. The Committee consisted of Circle Officer, Boarjor, District Education Officer, Godda and Sub-Divisional Officer, Mahagama.

5. The aforesaid Committee submitted an enquiry report (Annexure-6 to the writ petition), which suggests that the Enquiry Committee found that in the entire selection process, 44 candidates applied for appointment, out of which candidature of 05 candidates was rejected on the ground that they did not meet the minimum qualification. Those rejected candidates did not object their disqualification also.

5.1. The Committee further found that the allegation about the two candidates of not sending their applications through post is not correct as the Committee found that those two candidates had also sent their applications through post. The Committee found that no satisfactory reply was given by the Madarsa in respect of publication of the information about the appointment.

5.2. Further, the Head Moulvi and the Secretary could not give satisfactory reply in respect of the Rules, thus the Committee concluded that there may be some element of doubt.

5.3. So far as correction of papers is concerned, there is nothing in the report to suggest that there was any malpractice. The marks which were allotted, after tallying were found to be correct.

5.4. In the report, the Committee found that there is no substance in the allegation that the money was exchanged in the entire appointment process. After holding this, the Committee arrived at a conclusion that there is doubt in the selection process which lacks transparency and independence.

6. After going through the aforesaid enquiry report, I could not find any substantive material based on which the aforesaid conclusions have been arrived at by the aforesaid officers. Not only the allegations were vague without any specific instances, similar is the material in the enquiry report. Without any

concrete material, based on surmises and conjectures, the Authority had arrived at a conclusion that the appointment process lacks transparency. When a Committee or an Authority arrives at a conclusion that a process is not transparent or it is biased, there must be some concrete evidence and instances before the Committee. The Committee cannot arrive at such conclusion merely on presumption or assumption. There is no concrete evidence as such to arrive at the said conclusion.

7. Further, admittedly prior to approval of the appointment of this petitioner by JAC, similar nature of complaint was made but after a proper enquiry, all the allegations were negated, thus the appointment was approved.

8. Further, once the appointment of the petitioners was approved, the right had accrued in their favour. No notice to show cause was ever issued before issuing the impugned order.

9. Considering what has been held above, I find that there is no substantive material to come to a finding that the entire appointment process was against the law or was not transparent and is malicious.

10. Thus, I find merit in this writ petition. The impugned orders as contained in Letter No.232-3871/23 dated 28.12.2023 (Annexure-8 to the writ petition) and Letter No.929 dated 03.08.2023 (Annexure-7 to the writ petition), are hereby quashed and set aside.

10.1. The respondents are directed to appoint the petitioners by issuing an appropriate order.

10.2. The Letter of Approval bearing Memo No.JAC/Madarsa No.232-2118/23 dated 01.07.2023 issued by the Jharkhand Academic Council (JAC) (Annexure-5 to the writ petition), is hereby revived.

11. Accordingly, this writ petition stands allowed. No order as to costs.

12. Pending interlocutory application being I.A. No.6621 of 2024 and other pending interlocutory application, if any, stands disposed of.