

(2000) 03 PAT CK 0151
In the Patna High Court
Case No : C.W.J.C. No. 685 of 1999

Smt. Susheela Devi

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 16-03-2000

Acts Referred:

Citation : (2000) 2 PLJR 456

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

Bench : Single Bench

Advocate : Rajendra Prasad Singh, Tej Bahadur Singh, R. Sharan Pandey and Arvind Kumar Singh, for the Appellant; Dilip Kumar, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The Petitioner has preferred this application for direction on the Respondents to recognise her service as Head Mistress of Dhaneshwar Kanya Uchha Vidyalaya, Nirpur, Nalanda and to pay the consequential monetary benefits of the same.

2. According to her, she was appointed as founder Head Mistress of the school on 30th December, 1977, which school was granted recognition on 27th June, 1979. Subsequently, the school was taken over with effect from 2nd October, 1980 in pursuance of 1980 Ordinance.

3. The Petitioner has claimed such benefit giving reference of the provisions of Sub-section (1) of Section 3 of the Take Over Act and the decision of the Supreme Court in the case of A.K. Pradhan reported in 1998 (2) P.L.J.R. 02 (S.C.).

4. Similar case fell for consideration before this Court in the case of Ram Bhuwan Singh v. State of Bihar and Ors. (C.W.J.C. No. 10540 of 1998), disposed of on 8th March, 2000. In the said case, the Court while rejected the claim of regularisation of service, on take over, the Petitioner of the said case having not recognised as regular Head Master of the school, taking into consideration the fact that the said Petitioner was functioning as Acting Head Master for about 24

years, made certain observations and directions.

5. Following the decision in the case of Ram Bhuwan Singh (*supra*), while I reject the claim of Petitioner for regularisation taking into consideration the fact that the Petitioner is continuing as Head Mistress for about 22 years, direct the Respondents not to disturb her from the post and to take steps for regular appointment of Petitioner to the post of Head Mistress, giving weightage over those who have not yet been made acting Head Master/Mistress, on an early date, preferably within six months from the date of receipt/production of a copy of this order, failing which the Petitioner may bring the fact to the notice of this Court.

6. The writ petition stands disposed of with the aforesaid observations and directions.