

(1994) 02 AHC CK 0092
In the Allahabad High Court

Case No : Writ Petition No's. 16556 and 27243 of 1993 and 5985 of 1994

Triyendra Singh

APPELLANT

Vs

District Inspector of Schools and Others

RESPONDENT

Date of Decision : 23-02-1994

Acts Referred:

Citation : (1994) 3 AWC 1332 : (1994) 1 UPLBEC 513

Hon'ble Judges : Ravi S. Dhavan, J

Bench : Single Bench

Advocate : Ashok Bhushan, for the Appellant;

Final Decision : Allowed

Judgement

Ravi S. Dhavan, J.—There is a school in the district of Bijnor, known as Ranjit Singh Memorial Inter College, Bholarapur, Dhampur. Bijnor. An unsavoury atmosphere amongst the staff occasioned a letter from the senior-most teacher, otherwise the Ad hoc Principal, Shiv Kumar Singh, to write to the management that he should be relieved from the responsibility of his post, in effect, as the Principal. He wrote this letter on 18 December, 1991. It is not necessary for the court to go into the aspect what prompted him to write this letter. Five days later, Shiv Kumar Singh was writing to the management of the circumstances under which, mental agony or otherwise, he wrote his earlier letter, seeking to be relieved of his duties as a Principal and in his subsequent letter of 23 December, 1991, he retracted his earlier intention of not to hold the post of the Principal.

2. In between, apparently, the advantage was taken by the second seniormost teacher, one Triyendra Singh, who jumped into the foray of controversy to be placed as the Acting Principal. The question whether he took charge as Acting Principal, rightly or wrongly, is also not in issue as the fact of the matter is that Shiv Kumar Singh, as one stage, did express that he would not like to take the mantle of duties that be of a Principal. The management also could not make up its mind, who would sit on the seat of the Principal and wavered in its decision It

is also a fact on record that the District Inspector of Schools, at one stage, certified S.M. v. Kumar Singh to act as a Principal and. on another occasion, ratified the signatures of Triyendra Singh to act as a Principal And, each time the management would change its decision, the District Inspector of Schools would also likewise, respond, resulting in four petitions before the High Court, two in equal number by Shiv Kumar Singh and Triyendra Singh each claiming that, under the circumstances, he is the Principal of the College.

3. While the court will certify neither as incorrect or the other as correct, but one thing is clear that one mistake of Shiv Kumar Singh, in putting in his papers not to act as a Principal, which he retracted five days later, is the result of whatever is before the Court.

4. Also not in issue is the fact that Shiv Kumar Singh is the senior-most teacher. Triyendra Singh then comes next in seniority. On whatever aspect these two teachers may be at issues, they accept their reckoned placing in seniority.

5. No law would be applicable to resolve the conflict and the only solution will come in equity as here will apply the dictum of the great jurist Oliver Wendell Holmes; The life of the law has no? been logic: it has been experience, Between the jungle and the cobweb of the government orders, rules, regulations, the Act and statutes that make up today's Education Manuals no tailor made solution is available. Men make mistakes. So did Shiv Kumar Singh, when he made a half-hearted resignation and retracted it five days later. Hereinafter only the age old rule of justice, equity and good conscience will bring a solution. Today the Court notices that the age of the seniormost teacher, Shiv Kumar Singh, is 57 years and he would retire, as teachers normally do, at the age of 60 years. Triyendra Singh is 46 years" old. While the going was good, Triyendra Singh, acted as the Principal, but, if what is continuing before the Court, is allowed to be perpetuated, there would be mismanagement. Insofar as administration is concerned, there can be only one administrator A school is no exception.

6. The management has already indicated and noticed the retraction of Shiv Kumar Singh's resignation The District Inspector of Schools also finding many orders of the High Court on the four petitions, was in a quandary on what to do. He was walking on a tight rope between the orders of the Court coming out of four cases.

7. Thus, now let all the writ petitions rest in peace and the seniormost teacher for whatever term remains, would continue as an ad hoc Principal of the college.

8. All the petitions are consigned to record.