

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 541 of 2015**

Dr. D.P. Kurre, S/o Shri G.L.Kurre, aged about 52 years, Occupation Professor (Economics Subject), at Govt. Danteshwari P.G. College Dantewada, Civil and Revenue District South Baster Dantewada, Chhattisgarh

---- Appellant**versus**

1. State of Chhattisgarh through the Chief Secretary, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. State of Chhattisgarh, through the Secretary Department of Higher Education, Mahanadi Bhawan, New Raipur, Chhattisgarh
3. The Additional Director, Higher Education Directorate, Indrawati Bhawan, New Raipur, Chhattisgarh
4. The Collector Dantewada, Civil and Revenue District South Baster Dantewada, Chhattisgarh
5. Dr. Shikha Sarkar, Assistant Professor (presently in-charge Principal), Danteshwari Govt. P.G. College, Dantewada, Civil and Revenue District South Baster Dantewada, Chhattisgarh

---- Respondents

For Appellant	: Shri P.M. Shriwas, Advocate
For Respondents No.1 to 4/State	: Shri B. Gopa Kumar, Deputy Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Navin Sinha, Chief Justice****18/11/2015**

1. The present appeal arises from order dated 8.10.2015 dismissing Writ Petition (S) No. 3536 of 2015 declining to interfere with the order dated 8.1.2015 appointing Respondent No. 5 as officiating Principal of the Government Danteshwari P.G. College, Dantewada in preference to the Appellant.
2. Learned Counsel for the Appellant submits that he is senior to Respondent No. 5 and in accordance with Government circular dated

14.7.2014 even the current charge on officiating basis has to be given to the person who is senior in rank. The Appellant is a Professor while Respondent No. 5 is an Assistant Professor. He shall be compelled to work under his junior. The administrative reasons sought to be urged by the Respondents and upheld by the learned Single Judge loses their efficacy after completion of the administrative enquiry with the finding that the allegations against the Appellant were not correct.

3. Learned Counsel for the State submits that the circular dated 14.7.2014 provides that normally officiating charge is to be given on basis of seniority unless there be sufficient administrative reasons for deviating from the same. If reasons exist and they cannot be considered irrelevant or not germane for administrative efficiency, the Court may not interfere much less examine sufficiency of the reasons. The Learned Single Judge has adequately considered issues with regard to the administrative reasons why the Appellant was not given officiating charge of Principal.

4. We have considered the submissions on behalf of the parties.

5. True it is that under the circular dated 14.7.2014 seniority has to be the basis for grant of officiating charge. The Appellant is senior to Respondent No. 5. But the circular dated 14.7.2014 itself provides for exceptions if there be sufficient administrative reasons. No person has a right to claim officiating charge of a post. The Learned Single Judge has adequately considered the administrative reasons why the Appellant was not given officiating charge of Principal. The fact that any complaint against the Appellant may have been enquired into administratively and found incompetent cannot be considered sufficient to hold that grant of officiating charge to Respondent No. 5 was bad, as in our opinion the administrator is the best judge in given fact situations to decide to whom officiating charge may be given and the perception about another who may be claiming

entitlement to the same for germane reasons. We further find from the order of the Learned Single Judge that it was not a case of a singular complaint against the Appellant. The Learned Single Judge has therefore rightly held that if reasons have been assigned and cannot be considered irrelevant or germane, sufficiency of the reasons cannot be reappraised by the Court as an appellate authority in the garb of judicial review.

6. We therefore find no reason to interfere with the order under appeal.

7. Uncertainty breeds discontent in the employees and raises perceived grievances. In the present case also, the Appellant who is a Professor shall be working under Respondent No. 5 who is an Assistant Professor but would be officiating as Principal. The *sine qua non* for any educational institution to maintain standards is the availability of a regular Principal. Ad-hocism for a post as important as Principal of an educational institution must be abhorred. It is therefore directed that the Respondents must appoint a regular Principal in the College in question within a maximum period of three months from the date of receipt and/or presentation of a copy of this order, failing which the in-charge arrangement directed by order dated 8.1.2015 shall come to an end with all its attendant consequences of the educational institution being left headless, for which the authorities alone would be at fault.

8. The appeal is dismissed with the aforesaid directions.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE