

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16455 of 2012

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Kanchan Bala Singh, W/O Sri Anil Sinigh, R/O Village Goh, P.S. Goh, District Aurangabad. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer, Aurangabad, District Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. Gyan Prakash Ojha, G.A.-7
Mr. Ajit Kumar, AC to G.A-7

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-11-2018

On 30.10.2018 noticing the lack of interest of the writ petitioner, the case was directed to be listed on 31.10.2018 under the heading "For Dismissal". When the Court was in the midst of dictating order, counsel appearing on behalf of the petitioner appeared and prayed for pass over and the Court granted indulgence in the matter.

2. Today when the case is called out, unfortunately, learned counsel appearing on behalf of the petitioner has not even shown the minimum courtesy by appearing before the Court. The latitude shown by this Court has been taken as weakness of Court. The Court deprecate such practice of buying time and thereafter not attending Court when the case called out after accommodating the counsel for the petitioner. The order dated 30.10.2018 is quoted herein



below to indicate the casual approach of the learned counsel appearing on behalf of the petitioner:

“This writ petition was filed on 5th September, 2012. It was listed on 25.5.2017 after 5 long years but unfortunately no one had appeared on behalf of the petitioner and the matter was adjourned. When the matter was listed on 7th September, 2018 adjournment was sought for two weeks on behalf of the petitioner. Again on 24.9.2018 two weeks time was prayed for on behalf of the petitioner. Thereafter on 10th October, 2018 the case was again adjourned at the instance of the petitioner. The Court has to appreciate the interest of the petitioner in filing writ petition and seeking adjournment after adjournment. However, on the last occasion when the case was called out, prayer was made for pass over. Today there is none to pray for even pass over.”

3. This writ application has been filed on 05.09.2012.

The petitioner has prayed for quashing of the order dated 23.06.2011 whereby the Director, Secondary Education has rejected the representation filed by the petitioner. The Director, Secondary Education held out that the claim of the petitioner for recognition of the service of the petitioner as Headmistress is unsustainable and refused to regularize the petitioner as Headmistress in Project Girls High School.

4. The brief fact necessary for adjudication of this case reads as follows:



The petitioner was appointed by the Managing Committee of the School as Headmistress on 28.12.1981. On 06.06.1987, the District Education Officer directed Ram Parikha Singh to take over charge as Headmaster of the High School, Dadar, who assume the charge of headmaster of the school in question on 21.06.1987 and thereafter Smt. Chandrakanta Mehta was posted as Headmistress of the school, who took the charge of Headmistress on 11.11.1988. Smt. Chandrakanta Mehta was transferred on 31.01.2007 to Project Girls High School, Bodh Gaya. After transfer of Smt. Chandrakanta Mehta, Mohan Singh, Assistant Teacher took charge of Headmaster, who retired on 30.06.2008 and from 01.07.2008 the petitioner took over the charge of Headmistress.

5. From the pleading, it appears that the petitioner was claiming recognition of her service as Headmistress on the ground that she was appointed and working in the school since 28.12.1981. This claim stands contradicted by the statement made in the writ application itself, as mentioned herein above. During 06.06.1987 to 30.06.2008 for nearly 20 years Ram Parikha Singh, Smt. Chandrakanta Mehta and Mohan Singh performed the responsibility of headmaster/headmistress and acting headmaster and as such the claim of the petitioner that she was appointed and continued as headmistress of the school since 28.12.1981 with B.A. qualification does not impress this Court.



6. Earlier, the petitioner has approached this Court in C.W.J.C. No. 14701 of 2009. The said writ application was disposed of on 10.02.2010, thereafter the State of Bihar preferred L.P.A. No. 1104 of 2010, which was disposed of on 20.09.2010 with observation that the petitioner will approach the statutory authority and the case of the petitioner would be considered accordingly. After the decision in L.P.A. No. 1104 of 2010, the representation of the petitioner was considered by the Director, Secondary Education and noticing the relevant scheme of Project Girls School, the claim of the petitioner was rejected vide order dated 23.06.2011. The said order of the Director, Secondary Education has been challenged in the instant writ application.

7. This Court has considered the various aspects of the matter and factual position, as discussed hereinabove and also considered the scheme of Project School and is of the considered view that the decision contained in Annexure-1 does not suffer from any infirmity warranting any interference in the present proceeding.

8. Accordingly, the writ application is dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2018
Transmission Date	

