

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13943 of 2018**

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Saraswati Kumari, Assistant Teacher, Project Girl High School, Chenari,  
Permanent Address-Wife of Sri Ram Narayan Paswan, Resident of Village-  
Ghodihan, P.S.- Kargahar, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The District Education Officer, Rohtas at Sasaram.
4. The District Programme Officer, Rohtas at Sasaram.
5. The Headmaster, Saryodya Higher Secondary 2 School, Saraiya, P.S.- Khurmabad, District- Rohtas.
6. Rasila Kumari, Warden, at present deputed Warden, Girls Hostel, Khurmabad, P.S.- Chenari, District- Rohtas.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.  
For the Respondent/s : Mr. Madanjeet Kumar , GP-20

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA**  
**ORAL ORDER**

2      05-09-2022                      1. The petitioner has by of this writ petition prayed for quashing the order passed by the District Education Officer, Rohtas dated 04.04.2018, whereby and whereunder the deputation of the petitioner on the post of Warden has been cancelled and one respondent no.6 has been placed and brought on deputations on the post of warden.

2. Leaned counsel for the petitioner submits that the order has been passed for oblique reasons and consideration and is a colored exercise of power of the respondent against whom the petitioner has preferred a complaint on 20.05.2017 against



respondent no.6. Learned counsel submits that the petitioner has rendered a brilliant service as warden of the girls hostel and there was no occasion to shift her and appoint respondent no.6 on the said post. Even all the girls residents of the hostel, are satisfied with the submission render by the petitioner.

3. The respondents have filed their counter affidavit. It is stated that there was several complaints against the petitioner for not submitting the up-to-date report of the hostel to the competent authority. It is also stated that after the petitioner was relieved from the girls hostel, she misbehaved with the headmaster and threatened him to implicate him in a false criminal case and a criminal complaint has been submitted by the headmaster to the Chenari P.S. on 11.04.2018. It is also stated that the petitioner has not handed over the charge in spite of being asked to do so. The residents of the girls hostel have also made complaints about her behaviour in the hostel. In the circumstances, her deputation has been cancelled.

4. I have considered the submissions.

5. No person has a right to continue on deputation. The Apex Court in the case of **Kunal Nanda Vs. Union of India & Anr. reported in (2000) 5 SCC 362**, the Apex Court has held as under:-

*“The basic principle underlying deputation itself*



*is that the person concerned can always and at any time be repatriated to his parent department to serve in his substantive position therein at the instance of either of the departments and there is no vested right in such a person to continue for long on deputation or get absorbed in the department to which he had gone on deputation.”*

6. In view of above, no right of the petitioner can be said to have been taken away, even otherwise the respondents have taken a decision in order to maintain harmony in the hostel.

7. In view thereof, no stigma can be said to have been attached on account the petitioner being sent back to her parent place of posting.

8. The writ petition is misconceived and is accordingly dismissed.

**(Sanjeev Prakash Sharma, J)**

amit/-  
Item no.55

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