

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 1202 of 2021

Anita Kumari & Ors.

... ..Petitioners

-Versus-

The State of Jharkhand & Anr.

... ..Respondents

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

(Through: Video Conferencing)

For the Petitioners : Mr. Manoj Tandon, Advocate.

For the Respondents : Mr. Suchendra Prasad, G.P. IV.

02/ 14.06.2021 Mr. Manoj Tondon, learned Counsel appearing for the petitioners assails the impugned order (Annexure-3) on the ground that + 2 teachers, who are not having requisite qualification as per Rules are being appointed as In-charge Headmaster.

It has been emphatically argued that Government notification cannot override the Rule, the same are based on settled principle of law which has been laid down in plethora of judgment of this Court as well as Apex Court. Further it has also been argued that even there is no sanction post.

Mr. Suchendra Prasad, learned Counsel representing the State vehemently opposes the contention of Mr. Tondon and submits that Annexure-3 has been issued in view of the direction and observation passed by this Court in W.P.(S) No. 1651 of 2011.

However, as no counter-affidavit has been filed, respondent-State is directed to file counter-affidavit within a period of six weeks.

Put up this case soon thereafter.

[Dr. S.N.Pathak,J]

P.K.S.