

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 302 of 2025

1. The State of Jharkhand through the Secretary, School Education and Literacy Department, having its office at Project Building, P.O. and P.S.-Dhurwa, District – Ranchi.
2. The Director, Secondary Education, Secondary Education Directorate, School Education and Literacy Department, Project Building, Dhurwa, Ranchi
3. The District Education Officer, Dhanbad, P.O., P.S. & District- Dhanabd.
..... Appellants

Versus

1. Indrani Chakrabarti, wife of Shri Samir Kumar Acharya, Resident of Flat No. C/1, Vijaya Enclave, North Loco Tank, Hirapur, P.O., P.S.& District-Dhanbad
2. Abhoya Sundari Girls' High School, Dhanbad (A Linguistic Minority School) through its Secretary, office at School Campus, Hirapur, Dhanbad.
..... Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants : Mr Manish Kumar, Sr. SC-II
Mr Ashwini Bhushan, AC to Sr. SC-II
For the Respondent No.1 : Mr Prabhat Kumar Sinha, Advocate

04 /Dated: 12.05.2026

1. Heard the learned counsel for the parties.
2. This I.A. seeks condonation of delay of 133 days in instituting this appeal.
3. We have perused the averments made in the I.A. and we are satisfied that sufficient cause has been shown. Accordingly, we condone the delay and dispose of this I.A.

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4. At the request of and with the consent of the learned counsel for the parties, we have heard the appeal after condoning the delay in instituting the same.
5. This appeal is directed against the learned Single Judge's order dated 23.01.2024 allowing the respondent's W.P.(S) No. 4533 of 2023 and directing

that she be granted notional promotion from the date of issuance of the promotional order dated 31.07.2017 with all consequential benefits.

6. Mr Ashwini Bhushan, learned AC to Sr.SC-II submitted that the respondent was promoted as Principal in a Minority Educational Institution without seeking any prior approval from the Director, Secondary Education, Jharkhand. He submitted that such a promotion was therefore not legal and by the time, the respondent's case was considered for approval, she had already retired on 31.12.2019. He, therefore, submitted that there was no question of granting any approval, post the retirement of the respondent. Accordingly, he submitted that the impugned order is vulnerable and warrants interference.

7. Mr Prabhat Kumar Sinha, learned counsel appearing for the respondent defended the impugned order based on the reasoning reflected therein. He pointed out that the respondent was promoted as Principal of a Minority Educational Institution and consequently, there was no requirement of prior approval. He submitted that after the promotion, approval was applied for on 17.01.2018 and even reminder was addressed on 03.07.2018 and 20.12.2021. Even though the respondent had retired on 31.12.2019, belatedly, by order dated 07.11.2022, the respondent's case was not considered only on the ground that the respondent had in the meanwhile retired from service.

8. Mr Sinha submitted that the appellants cannot be allowed to take advantage of their own delay. He submitted that even the rejection of the approval is for irrelevant and invalid reasons. Considering all these circumstances, Mr Sinha submitted that this appeal may be dismissed.

9. The rival contentions now fall for determination.

10. There is no dispute that the school in which the respondent was promoted is a Minority Educational Institution.

11. The Promotion Committee recommended the respondent for promotion vide its decision dated 31.07.2017. Based upon such recommendation, the respondent was promoted to the post of Principal of the Minority Educational Institution soon thereafter.

12. On 17.01.2018, the Government Educational Authorities were informed of such promotion and approval was sought. Since no decision was communicated, reminders were sent on 03.07.2018 and 20.12.2021. This was even though on 31.12.2019, the respondent retired on attaining the age of superannuation after having worked in the promotional post as Principal.

13. Finally, by communication dated 07.11.2022, the Education Authorities declined to consider granting approval to the respondent's promotion on the sole ground that the respondent had already retired on 31.12.2019.

14. The impugned decision / order dated 07.11.2022 is quite cryptic and vitiated by non-application of mind. The fact that the respondent had retired was not particularly relevant, given that the Authorities themselves delayed considering the proposal for approval, which was sent well within time, when the respondent was serving in the promoted post of Principal at the Minority Educational Institution.

15. Despite reminders, no decision was taken by the Authorities. The authorities cannot take advantage of their own delay and refuse to even consider the respondent's case for approval.

16. This is not a case where the Authorities have declined approval on the grounds that the respondent did not fulfil the essential educational qualifications or experience necessary for promotion to the post of Principal. This is also not a case where the Authorities have alleged any breach of any Rule or Statute, based upon which no promotion could have been granted to the respondent. This is also not a case of any allegation of a breach of the seniority principle, if the same were indeed applicable. On the mere ground that the respondent had already retired, the Authorities could not have refused to consider the respondent's case for approval.

17. The learned Single Judge has correctly appreciated the facts and the law of the subject. The decision promotes substantial justice, as the respondent has already retired at the age of superannuation, with effect from 31.12.2019. The record shows that between 31.07.2017 and 31.12.2019, the respondent has actually worked in the promotional post as Principal of a Minority Educational Institution. In the absence of any factors to indicate that the respondent's promotion was legally infirm, no purpose would be served by remanding the matter. No such contention was also raised on behalf of the appellant. The only contention raised and pressed was that there was no obligation to grant an approval, or even to consider the proposal to grant an approval, after the respondent had retired from service.

18. Upon cumulative consideration of all the above circumstances, we cannot fault the direction issued by the learned Single Judge in the impugned order. Accordingly, we dismiss this appeal without any order for cost.

19. If the consequential benefits have not been paid to the respondent to date, then they must be paid within two months from today. If there is any

difficulty in payment, the amounts can be deposited in this Court, after giving due intimation to the learned counsel for the respondent. Upon deposit, the respondent would be at liberty to withdraw the same by providing her identity and bank details. The Registry should transfer the amount directly to the respondent's bank account.

20. The appeal is dismissed with the above direction and without any order for costs.

(M.S. Sonak, C.J.)

(Rajesh Shankar, J.)

May 12, 2026
Ranjeet / R.Kr.
NAFR
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