

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P. (S) No. 3834 of 2018**

Badal Kumar Pahan, aged about 30 years, son of Sri Charku Munda, resident of Labga, Post Office Balkudra, Police Station-Basal, District-Ramgarh (Jharkhand) **... Petitioner**

**-Versus-**

1. The State of Jharkhand
2. The Principal Secretary, Department of Labour, Employment and Training Government of Jharkhand, Ranchi, Nepal House, P.O. and P.S. Doranda
3. Director, Department of Labour, Employment and Training Government of Jharkhand, Ranchi, Nepal House, P.O. and P.S. Doranda
4. Deputy Director (Training), Department of Labour, Employment and Training Government of Jharkhand, Ranchi, Nepal House, P.O. and P.S. Doranda
5. Jharkhand Staff Selection Commission, Namkum, Ranchi through its Secretary **... Respondents**

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioner	:	Mr. Mahesh Tewari, Advocate
For the Respondent-State	:	Mr. Sreenu Garapati, S.C.-III
For the Respondent-JSSC	:	Mr. Sanjay Piprawall, Advocate

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**14/Dated: 10<sup>th</sup> September, 2020**

1. Heard, Mr. Mahesh Tewari, learned counsel for the petitioner, Mr. Sreenu Garapati, learned counsel for the respondent-State and Mr. Sanjay Piprawall, learned counsel for the respondent-Jharkhand Staff Selection Commission.
2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard on merit.
3. The petitioner has preferred this writ petition for quashing the impugned order dated 11.07.2018 contained in Annexure-11, whereby, the claim of the petitioner has been rejected. The further prayer is made for appointment of the petitioner on the post of I.T.I. Instructor in Mechanical General Electronics Division.

4. Mr. Mahesh Tewari, learned counsel for the petitioner submits that the petitioner has earlier moved this Court in W.P.(S) No. 6931 of 2017, which was disposed of vide order dated 26.02.2018 with direction to the respondents to take a decision in this regard and if the case of the petitioner is found to be same and similar to the petitioners in W.P.(S) No. 5449 of 2015 and other analogous writ petitions and W.P.(S) No. 702 of 2016, similar relief may also be granted to the petitioner, in accordance with law, within a period of six weeks from the date of receipt of a copy of that order. He further submits that pursuant to the said order, the petitioner approached the respondents and the impugned order has been passed, whereby, the claim of the petitioner has been rejected and that is why the petitioner has been compelled to file the present writ petition. He also submits that in the year 2009, an advertisement was published by the Jharkhand Combined Entrance Competitive Examination Board on 08.09.2009 in almost all the newspapers, wherein, 27 posts of Mechanical General and Electronics Instructor were advertised, out of which 14 posts were marked for the candidates belonging to the General candidates, whereas, 7 posts were marked for the candidates belonging to the Scheduled Tribes. The examination was conducted in the year 2010 as per the advertisement contained in Annexure-1 to the writ petition and after conducting all written tests in which the petitioner attended, the petitioner's name was figured amongst the successful candidates for the post of I.T.I. Instructor and his name was recommended by the Jharkhand Combined Entrance Competitive Examination Board, wherein, his roll no. 4091490194 was allotted and the examination was held on 18.07.2010. Thereafter, the petitioner was called for interview vide letter dated 26.11.2010. The petitioner faced the interview and submitted all his originals and attested copies of his testimonials of educational qualification and educational certificates. The petitioner was having expectation for appointment after the interview. The petitioner hails from Scheduled Tribe

category and had secured first rank in the Scheduled Tribe quota, which is evident from the result annexed to the writ petition. The petitioner was kept on waiting for the appointment letter in view of the fact that he had completed the entire examination process successfully. He further submits that in the similar circumstances, the other candidates moved this Court in W.P.(S) No. 5449 of 2015 and other analogous cases and in W.P.(S) No. 702 of 2016, which were disposed of with certain direction and the petitioners of those writ petitions have already been appointed, whereas, the petitioner has been left out. He further submits that the impugned order dated 11.07.2018 has been passed without considering the earlier orders passed in W.P.(S) No. 5449 of 2015 and other analogous cases and in W.P.(S) No. 702 of 2016 as well as in the earlier writ petition preferred by the petitioner being W.P.(S) No.6931 of 2017. The impugned order has been passed without considering the fact that similarly situated persons have been appointed. Thus, the impugned order does not sound good. He further submits that while passing the impugned order, the claim of the petitioner has been rejected only on the ground that requisition for further appointment has been sent to the Personnel, Administrative Reforms and Rajbhasha Department. He also submits that the posts of I.T.I. Instructor are still vacant in the concerned Department.

5. Mr. Sreenu Garapati, learned counsel for the respondent-State submits that pursuant to the direction given by this Court vide order dated 11.02.2020, now supplementary counter affidavit dated 06.03.2020 has been filed by respondent no.3. He draws attention of the Court to paragraph 19 of the said supplementary counter affidavit and submits that it is admitted in paragraph 19 of the said affidavit that the case of the petitioner is similar to the petitioners of W.P.(S) No. 5449 of 2015 and other analogous cases and W.P.(S) No. 702 of 2016. He further submits that in the said paragraph, it is further stated that process for fresh appointment has already been started and requisition has been

sent to the Personnel, Administrative Reforms and Rajbhasha Department.

6. On the query from the Court, Mr. Sanjay Piprawall, learned counsel for the respondent-Jharkhand Staff Selection Commission on instruction submits at bar that respondent no.5 has not received any amended requisition for further recruitment as per the query made by the Jharkhand Staff Selection Commission in the year 2018.

7. In view of the above facts and considering this aspect of the matter that the case of the petitioner is fully covered in view of the order passed in W.P.(S) No. 5449 of 2015 and other analogous cases and in W.P.(S) No. 702 of 2016, which has also been admitted by the respondent-State in paragraph 19 of their counter affidavit dated 06.03.2020 filed by respondent no.3 and also considering the fact that the earlier writ petition preferred by the petitioner being W.P.(S) No. 6931 of 2017 was disposed of in terms of the orders passed in the aforesaid writ petitions and also considering the fact that the posts are still vacant, as informed by Mr. Mahes Tewari, learned counsel for the petitioner and also considering the fact that there is no process of further appointment, as informed by Mr. Sanjay Piprawall on instruction, learned counsel for the respondent-Jharkhand Staff Selection Commission, there shall not be any impediment in appointment of the petitioner. In view of the fact that the case of the petitioner is fully covered in view of the aforesaid two judgments passed by this Court in W.P.(S) No. 5449 of 2015 and other analogous cases and in W.P.(S) No. 702 of 2016 (*supra*) and this fact has been admitted by the respondent-State in their supplementary counter affidavit dated 06.03.2020 and also taking into consideration the fact that further process of recruitment is not there, the reason assigned in the impugned order dated 11.07.2018 does not sound good. Accordingly, the impugned order dated 11.07.2018 contained in Annexure-11 to the writ petition is quashed. The respondents are directed to provide same benefit to the present petitioner, which has already been given to the petitioners

in W.P.(S) No. 5449 of 2015 and other analogous cases and in W.P.(S) No. 702 of 2016, within a period of eight weeks from the date of receipt/production of a copy of this order.

8. With the aforesaid observations and directions, this writ petition stands allowed and disposed of.

**(Sanjay Kumar Dwivedi, J.)**

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