

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 2696 of 2021

Court on its own Motion

Versus

The State of Jharkhand and others Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Victim Family: Mr. Prabhat Kumar Sinha, Advocate
For the State: Mr. Piyush Chitresh, A.C. to A.G.
For the UOI: Mr. Rajiv Sinha, A.S.G.I.
For the JPSC/JSCC: Mr. Sanjoy Piprawall, Advocate

Oral Order

08/Dated: 09.09.2021

This matter has been taken up through video conferencing and there is no complaint whatsoever regarding audio and/or video quality.

Heard the learned counsels appearing for the parties.

The Investigating Officer of the case is also present before this Court through online mode.

The progress report pertaining to the death of Late Uttam Anand, District & Additional Sessions Judge-VIII, Dhanbad (the then he was) has been placed in sealed cover which has been opened during proceedings of the case.

We have perused the progress report.

The Court has shown dissatisfaction with respect to the progress in the investigation. The Investigating Officer has accepted the aforesaid dissatisfaction but has submitted that he will take all sincere endeavours to come to a conclusion in the investigation.

Let a further progress report be placed before this Court on the next date of hearing. On that date, the Investigating Officer of the case will also remain present before this Court through online mode.

The progress report submitted today is kept in sealed cover and returned back to the Registrar General of this Court to keep it in his safe custody.

So far as the direction pertaining to the staffing pattern of the Forensic Science Laboratory, Ranchi as also filling-up of the posts is concerned, the affidavits have been filed by the Director, Forensic Science Laboratory, Ranchi; the Jharkhand Public Service Commission (JPSC) and the Jharkhand Staff Selection Commission (JSSC).

Mr. Sanjoy Piprawall, learned counsel appearing for the JPSC and the JSSC, by referring various paragraphs in the affidavits filed on behalf of the Commissions, has submitted that there is no laches on the part of the Commissions, either the JPSC or the JSSC, rather it is the laches committed on the part of the Department of Home, Government of Jharkhand in dragging the filling-up of the posts in preparing the Rules in a proper manner or for one reason or the other and as such, the advertisement which was issued in the month of March, 2021, has been cancelled and as yet no advertisement has been floated.

On the last date of hearing we had directed the Principal Secretary (Home), Government of Jharkhand, to file a specific affidavit and in pursuant thereto, the affidavit has been filed, but no response to the affidavits filed on behalf of the JPSC and the JSSC finds mentioned in the affidavit filed by the Home Department.

Upon this, Mr. Piyush Chitresh, learned A.C. to A.G., has submitted that the matter be kept in the next week so that detailed affidavits will be filed giving para-wise reply to the averments made in the affidavits filed by the JPSC and the JSSC. He further submits that so far as the queries made by this Court for fulfilling the Class-IV

through outsource, a conscious decision has been taken to fill-up the vacancies of Class-IV posts on regular basis by inviting applications through direct recruitment.

This Court after considering the affidavits filed by JPSC and the JSSC is of the view that the Home Department of the State of Jharkhand, under which the Forensic Science Laboratory comes, is taking very casual approach to run the Laboratory smoothly. Therefore, let the Principal Secretary (Home), Government of Jharkhand, and the Director, Forensic Science, Laboratory, Ranchi, remain present before this Court through online mode on the next date of hearing.

Let the Principal Secretary (Home), Government of Jharkhand, file an affidavit answering the statements made in the affidavits filed by the JPSC and the JSSC.

Put up this case on 16.09.2021.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)