

**IN THE HIGH COURT OF JHARKHAND, RANCHI**

**W.P.(S) No.940 of 2020**

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Shiva Nand Jha, aged about 48 years, son of Rup Kant Jha, residing at  
SDO Court Campus, Deoghar, Post B. Deoghar, Police Station  
B. Deoghar, District Deoghar ..... Petitioner

---Vs.---

- 1.The State of Jharkhand
- 2.The Deputy Commissioner, Deoghar officiating from D.C. Office,  
Deoghar, Post Deoghar, Police Station Deoghar, District Deoghar
- 3.The Sub Divisional Officer, Deoghar officiating from SDO Office,  
Deoghar, Post Deoghar, Police Station Deoghar, District Deoghar,  
..... Respondents

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

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For the Petitioner : Mr. Vikash Kumar, Advocate  
For the Respondent-State : Mr. Shray Mishra, AC to GA-III

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**Order No. 3 : Dated 08<sup>th</sup> July, 2020**

Heard Mr. Vikas Kumar, the learned counsel appearing for the petitioner and Mr. Shray Mishra, AC to GA-III appearing on behalf of the respondent-State.

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.

3. The petitioner has preferred this writ petition for a direction to treat the actual date of appointment of the petitioner on Class III as 01.11.1996 instead of 28.12.2007.

4. Mr. Vikash Kumar, the learned counsel for the petitioner submits that the petitioner was appointed on compassionate ground in Class IV post on 01.11.1996 on recommendation of a duly constituted establishment committee. Subsequently, the petitioner's case was considered for appointment on Class III post considering his educational qualification and pursuant to District Appointment Committee meeting

dated 03.12.2004 and pursuant to order dated 12.10.2006 an order dated 24.12.2007 was issued and the petitioner was appointed on Class-III in the pay scale of Rs.3050-75-3950-80-4590/- but the appointment of the petitioner is being treated with effect from 28.12.2007 in place of 01.11.1996 and for that the petitioner has filed the representation.

5. The learned counsel for the respondent State submits that the representation of the petitioner can be decided by the competent authority.

6. In view of the above facts, the petitioner is directed to file a fresh representation along with all the documents on which the petitioner is relying before the Deputy Commissioner, Deoghar, respondent no.2 within a period of four weeks.

7. If such a representation is filed within the aforesaid period, the respondent no.2 shall take a decision in accordance with the rules, regulations and guidelines and taking into account the appointment of the petitioner in Class IV post and subsequent appointment in Class-III post and will pass appropriate reasoned order within 8 weeks thereafter.

8. With the aforesaid observations and direction, the writ petition [W.P.(S) No.940 of 2020] stands disposed of.

9. I.A if any also stands disposed of.

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

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