

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

W.P.(S) No. 1055 of 2021

1. Amit Kumar
2. Noopur Baba
3. Md. Jawed Salim

..... Petitioners

Versus

1. The State of Jharkhand, through the Chief Secretary, Ranchi
2. The Principal Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Government of Jharkhand, Ranchi
3. The Jharkhand Public Service Commission, through its Chairman, Ranchi
4. The Secretary, Jharkhand Public Service Commission, Ranchi
5. The Examination Controller, Jharkhand Public Service Commission, Ranchi

..... Respondents

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**CORAM****HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioners:	Mr. Vikash Kumar
For the State:	Mr. Mohan Dubey, A.C to A.G
For the J.P.S.C:	Mr. Sanjay Piprawall

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03/13.04.2021      The case is taken up through Video Conferencing.

The present writ petition has been filed for the following reliefs:

“(a) For quashing of Advertisement No. 01/2021 (Annexure-7) published on 08.02.2021 so far as the condition contained in Clause 4 with respect to fixation of cut-off date i.e. 01.08.2016 for counting of upper age limit of the candidates and inclusion of the examination of the year 2017, 2018 and 2019 is concerned.

(b) For quashing the resolution contained in memo No. 805 dated 05.02.2021 (Annexure-6) whereby the respondents have most arbitrarily and illegally prescribed 01.08.2016 as the cut-off date for counting the upper age limit of the candidates who were supposed to be the applicants as against Advertisement Nos. 01/2020 for 2017, 2018 and 2019 CCS Examinations in which the said cut-off date was fixed as 01.08.2011.

(c) For showing cause the respondents as to how and under what circumstances, the Jharkhand Combined Civil Services Examination Rules, 2021 (Annexure-5) can be made applicable to the vacancies of the year 2017, 2018 and 2019 and for the examinations to be held for the said years particularly when Advertisement No. 01/2020 for that purpose was also published.

(d) For commanding the respondents to show cause as to why and under what circumstances, Advertisement No. 1/2020 which

was issued for conducting the Combined Civil Services Competitive Examination for the year 2017, 2018 and 2019 wherein the cut-off date for counting the maximum age/upper age limit was fixed as 01.08.2011, has been withdrawn/recalled to replace it with another Advertisement No. 01/2021 for the same year i.e. 2017, 2018, 2019 and one added year i.e. 2020 with a new condition for fixing the cut-off date for counting the maximum age/upper age limit as 01.08.2016 which is thoroughly illegal, arbitrary, irrational and having no nexus with any positive object to be achieved and further considering the fact that the respondents did not conduct the examinations on annual basis i.e. in the year 2017, 2018 and 2019 for which the petitioners cannot be faulted in any manner.

(e) For directing the respondents to produce before this Hon'ble Court the entire file pertaining to the decision-making process with respect to the recall/withdrawal of Advertisement No. 01/2020 and also pertaining to issuance of Advertisement No. 01/2021 with the fixation of the new cut-off dates which cannot in any manner be held to be justified because the respondents cannot be allowed to sustain change in policy in such a quick consequence unless they establish a positive reason and legitimate object sought to be achieved by bringing about such variance which is to a serious detriment of the petitioners and other many similarly situated candidates who had every legitimate expectations to participate at the Combined Civil Services Competitive Examination of the State which is going to be held after a gap of about five years from the last examination.

(f) For directing the respondents either to not club the examinations of the years 2017, 2018, and 2019 with the current year examination (2020) and prescribe the cut-off date accordingly for both the examinations separately or, alternatively prescribe the cut-off date in such a manner so as to fulfil the legitimate expectations of the candidates who remained waiting for non-conducting of the examinations for no fault of theirs."

It has jointly been submitted by learned counsel for the parties that the present case is covered by the judgment dated 15.03.2021 rendered by this Court in the case of **Mukesh Kumar & Ors. Vs. Jharkhand Public Service Commission, Ranchi & Anr. [W.P.(C) No. 864/2021]**.

Heard learned counsel for the parties.

The writ petition being W.P.(C) No. 864/2021 involving the similar issue has earlier been dismissed by this Court vide judgment dated 15.03.2001, the operative paragraphs of which read as under:

**"24.** Thus, mere fact that at some point of time, any vacancy was advertised, does not by itself gives the aspirant to be appointed on a particular post. Even after completion of the selection process, the candidates coming in the merit list do not have any vested right to seek appointment only for the reason that their names appear in the same. In the present case, since the vacancy advertised in the year 2020 was subsequently cancelled due to the situation beyond control of the authority, the petitioners cannot claim any right by mere publication of the same.

**25.** In view of the aforesaid factual and legal position, I do not find any justifiable ground in the writ petition to interfere with the decision with respect to the cut-off date for computation of upper age limit fixed in the Advertisement No. 01/2021.

**26.** The writ petition being devoid of merit is accordingly dismissed."

Since the present writ petition is covered by the judgment dated 15.03.2021 rendered by this Court in W.P.(C) No. 864/2021, the same is also dismissed in terms with the said judgment.

Satish/-

(RAJESH SHANKAR, J)