

**(2024) 03 JH CK 0012**

**In the Jharkhand High Court**

**Case No : Writ Petition (S) No. 1048 Of 2024**

Alsafa Ahmad And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

**Date of Decision : 05-03-2024**

**Acts Referred:**

**Citation : (2024) 03 JH CK 0012**

**Hon'ble Judges : Sanjay Kumar Dwivedi, J**

**Bench : Single Bench**

**Advocate : Lalit Kumar Singh, Vivek Kumar**

**Final Decision : Disposed Of**

## Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Lalit Kumar Singh, learned counsel for the petitioners. Nobody appears on behalf of the State on repeated calls.

2. The prayer is made in this writ petition to allow the petitioners to participate in counselling in terms of the judgment passed by the Division Bench of this Court in L.P.A. No.510 of 2023 and analogous cases.

3. Learned counsel for the petitioners submits that in identical situation, batch of writ petitions was decided by the Coordinate Bench of this Court in W.P.(S) No.189 of 2024 and analogous cases and vide judgment dated 08.02.2024, the learned Single Judge has been pleased to allow the prayer with regard to counselling of the petitioners of those cases. He also submits that the similar order was challenged before the Division Bench of this Court in L.P.A. No.510 of 2023 and analogous cases, which were disposed of vide judgment dated 31.01.2024 and the judgment passed by the learned Single Judge was affirmed and in paragraph 33 of the said judgment, further directions have been given.

4. Paragraph 33 of the judgment passed in L.P.A. No.510 of 2023 and analogous cases reads as under:

33. Since it was the specific case of the writ petitioners that they were never called for counseling and that candidates securing less marks than the writ petitioners were called for counseling and were selected, it would be important to issue the following clarifications / directions in consonance with the specific stand of the various writ petitioners in the batch of cases involved in the impugned order though this Court is not inclined to differ with the findings and directions issued vide order dated 15.09.2023 passed in L.P.A. No. 203 of 2022:-

(a) Only those candidates are to be called for counseling who have never been called for counseling earlier in one or the other district irrespective of the fact as to whether they had participated in the counseling or not.

(b) To enable the candidate to participate in the fresh counseling the concerned respondent shall verify whether a candidate below in the merit list in the concerned district has been ultimately selected irrespective of the fact as to whether such a candidate had joined or not. If that be so, then only such candidate be permitted to appear in the fresh counseling.

(c) There should be one counseling to be conducted simultaneously in all the districts as was directed by this Court in W.P. (S) No. 19 of 2016 and other analogous cases which has been upheld in L.P.A. No. 168 of 2017.?

5. In view of the above and considering that the case of the petitioners is covered in light of the judgment passed by the Division Bench of this Court in said L.P.As., this petition is being disposed of in terms of the judgment passed in L.P.A. No.510 of 2023 and analogous cases.