

(2017) 03 JH CK 0045
In the Jharkhand High Court
Case No : 5840 of 2015

Ashok Kumar Nonia

APPELLANT

Vs

Bharat Coking Coal Limited, Anr.

RESPONDENT

Date of Decision : 01-03-2017

Acts Referred:

Citation : (2017) 03 JH CK 0045

Hon'ble Judges : Aparesh Kumar Singh

Bench : SINGLE BENCH

Advocate : R. Krishna, Faiz-ur-Rahman, Neeta Krishna, Navin Kr. Singh, Tejo Mistry

Final Decision : Allowed

Judgement

1. Heard counsel for the parties.

"2. Grievances of the petitioners are captured in the order dated 11.04.2016, which is quoted hereunder:

"Learned counsel for the petitioners submits that the petitioners are not being accorded registration by the Jharkhand State Para Medical Council despite completion of diploma course in Para Medical Lab Technology from one Shine Abdur Razzaque Ansari Institute of Health Education and Research Centre. The Course has been approved by the AICTE also. AICTE has granted approval on the basis of recommendation of the State Level Committee of Department of Science and Technology. As a result of non-registration, they are not able to apply on line for participation in Joint Para Medical Staff Competitive Examination 2015. The last date of submission of application was 05.12.2015. However, in any such future recruitment exercise, petitioners may be left out of participation due to non- registration. 2. Learned counsel for the State seeks three weeks time to obtain instructions from the Respondent No. 3 - Jharkhand State Para Medical Council and file their response. 3. Learned counsel for the Jharkhand Staff Selection Commission would also have instructions before the

next date. 4. List the case after four weeks in the 2nd week of May 2016. 5. I.A. stands disposed of accordingly."

3. Petitioners contend, as per the statement made at paragraph-8 of the writ petition supported with Certificate of Intermediate at Annexure-7 series of the reply

to the counter affidavit, that they were holding the eligibility criteria of 10+2 when

they got admitted in the Institute for undertaking the Diploma Course of Medical Lab Technology for the Session 2011-13. It is also contended that eligibility criteria

prescribed by NCTE of having 10th pass for undertaking the Diploma Course, was changed in the year 2013 to 10+2 / I.Sc. However, these petitioners faced Jharkhand

Combined Entrance Competitive Exam, 2011 conducted by the State Board of Technical Education, Jharkhand whereafter, they were recommended for admission

to Shine Abdur Razzaque Ansari Institute of Health Education and Research, Irba, Ranchi. They came to be successful after completion of three years course, as per Marks sheet at Annexure-3 series issued by the State Board of Technical Education,

Jharkhand. Registration to the Jharkhand State Para Medical Council has however been declined on mistaken impression that petitioners have been admitted to the Diploma Course only on the qualification of 10th Pass contrary to Rule-2(kha) of "Jharkhand Para Medical / Para Dental Registration and Exam Conduct and Para Medical Council Sub Rule, 2014", as per statement made at para-19 of counter affidavit of Respondent Nos. 3 and 4. This stand of the Respondents is based upon a

misconceived understanding of the credentials of the petitioners relating to their eligibility to undertake the Diploma Course in the Institute in question. Respondents

are therefore obliged to permit registration to the petitioners in Jharkhand State Para

Medical Council as all eligibility criteria stands fulfilled.

4. Learned counsel for the Respondents have harped upon the stand taken in their counter affidavit that these petitioners got admitted in Para Medical Course after 10th Pass exam only, though rule-2(kha) of 2014 Rules require eligibility criteria of I.Sc for admission. Reference is also made to 2010 Rules at Para-21, sub-

rule whereof however was notified on 26.03.2014.

5. On consideration of the submissions of the parties and relevant material facts noted above, it appears that there is misunderstanding as to the correct state of facts

in the minds of the Respondent authorities about eligibility of the petitioners for being enrolled under Jharkhand State Para Medical Council. Petitioners have produced the certificates of having cleared the Intermediate exam respectively in the

years 2011, 2007 and 2010 vide Annexure-7 series to their rejoinder in support of

their contention that they were wholly qualified even in terms of 2014 Rules at the

time of admission to the Diploma Course for the Session 2011-13 pursuant to the recommendation of State Board of Technical Education, Jharkhand. It is therefore evident that the Respondents need to examine afresh the case of the present petitioners and permit them registration if they were eligible, as above, to undertake the Diploma Course which they have successfully completed from the Institute as also recognized by AICTE. Let such an exercise be undertaken within a

period of four weeks from the date of receipt of a copy of this order.

6. Writ petition is allowed in the aforesaid terms.