

(2011) 05 JH CK 0052

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5098 of 2008

Basant Yadav

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-05-2011

Acts Referred:

Citation : (2011) 05 JH CK 0052

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioner has prayed for quashing the order dated 6th May, 2008 issued by the

Commandant, Jharkhand Armed Force-7, Hazaribagh, whereby the call letter for appointment issued to the Petitioner by Memo No. 1021 dated

19th April, 2008 has been cancelled.

2. It has been stated that the Petitioner had applied for the post of Constable pursuant to Appointment Notice No. 1 of 2004. The Petitioner was

called for the test, which he successfully faced and his name appeared at Sl. No. 39 in the O.B.C. Category in the result declared on 17th

November, 2004. The Petitioner is non-matric.

3. This Court in its order passed in a related case had declared that the qualification for appointment of Constable as Class-VII pass is not proper,

the candidate must be a matriculate. In view of the said decision of the High Court, the Petitioner did not get appointment even after his successful

selection in the test held for appointment on the post of Constable. However, the said order of this Court was challenged in the Supreme Court.

The Supreme Court by order dated 25th September, 2007 disagreed with the

view of the High Court and the selection of the candidates even of a non-matriculate was held to be valid. After the said decision of the Supreme Court, other persons were appointed, but no order has been passed with respect to the Petitioner till date.

4. The Respondents have not disputed the said position in their counter affidavit, rather it has been specifically stated that there is no legal bar in appointing the Petitioner against one of the existing vacancies. The Respondents, thus, have not disputed the claim of the Petitioner.

5. Considering the above, this writ petition is disposed of, directing the Respondents to pass appropriate order regarding appointment/posting of the Petitioner within a period of six weeks from the date of receipt/production of a copy of this order.