

(2011) 08 JH CK 0127

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2331 of 2011

Bijay Kumar Jayswal

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-08-2011

Acts Referred:

Citation : (2011) 08 JH CK 0127

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Judgement

D.N. Patel, J.—Counsel for the petitioner submitted that initially the petitioner and other persons were appointed as Class III employees with the respondents in the then State of Bihar. Thereafter their services were brought to an end. Thereafter, the writ petition was preferred which was carried up to the Highest Court and the Hon''ble Supreme Court had appointed a committee for looking into the grievances of the similarly situated persons like the petitioner. The Committee gave a report. Again the report was challenged by way of a writ petition before the Hon''ble Patna High Court. That writ petition was allowed. Thereafter, Letters Patent Appeal was also dismissed preferred by the State of Bihar. Thus, similarly situated persons have already been appointed by the State of Bihar.

2. Counsel for the petitioner further submitted that upon bifurcation of the State of Jharkhand, similarly situated persons in the State of Jharkhand had also filed writ petition being W.P. (S) No. 5629 of 2010 (annexure-14) in which vide order dated 10th January, 2011 direction was given to the State of Jharkhand to decide the claim of the petitioners by passing a speaking order and if the petitioners'' claim is similar to the other similarly situated persons, then the petitioners may also be given benefit as claimed by them and, therefore, let similar order be passed by this Court also.

3. Counsel for the respondents submitted that they have no much objection to scrutinize the legal claim of the petitioner and to give similar treatment like other

petitioners given in W.P. (S) No. 5629 of 2010 vide order dated 10th January, 2011.

4. In view of this submission and looking into the aforesaid facts and circumstances of the case and the decision taken in the earlier writ petition by Hon"ble Patna High Court, I hereby direct the respondent No. The Directorin Chief, Health Services, Govt. of Jharkhand, Ranchi, to treat this writ petition as a representation along with the Annexures, and also keeping in mind the earlier decision rendered by the Patna High Court and then decide the claim of the petitioners by passing a speaking order within sixteen weeks from the date of receipt of a copy of the order of this Court and if it is found that the petitioner is similarly situated candidates like in the earlier writ petition, then the benefits may be extended to the petitioner also. I also direct respondent No. 2 to give adequate opportunity of being heard to the petitioner or to his representative and the decision will be taken in accordance with law, rules, regulations, policies and Government enforceable orders, applicable to the petitioner after considering the aforesaid decision rendered by the Hon"ble Patna High Court.

5. In view of the above directions, this writ petition is disposed of.