
(2016) 06 JH CK 0074
In the Jharkhand High Court
Case No : W.P.(S) No. 218 of 2016

Bijaya Pradhan

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 13-06-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 JBCJ 249 : (2016) 4 JCR 596

Hon'ble Judges : Mr. Ananda Sen, J.

Bench : Single Bench

Advocate : Mr. Naveen Kumar Jaswal, Advocate, for the Appellant; J.C. to Mr. Shahid Khan S.C. (Mines), for the Respondent

Final Decision : Disposed Off

Judgement

Mr. Ananda Sen, J.—The petitioner has filed this writ application praying therein to appoint her in the post of Inter Trained Teacher for Class 1 to 5 as she has already passed the examination and has secured marks much higher than the cut-off as prescribed by the respondents.

2. Counsel for the petitioner submits that she, pursuant to an Advertisement, applied for the post of Inter Trained Teacher and thereafter in the examination she has secured 53.51%. Counsel for the petitioner further submits that in spite of the fact that she has obtained 53.51% she was not called for counselling and her case was not considered. The petitioner thereafter filed an application under the Right to Information Act and has sought for the reasons as to why her case was not considered and she was not called for counselling.

3. Her query under the Right to Information Act was answered vide letter no. 4263 dated 20.11.2015, wherein the District Superintendent of Education, West Singhbhum, Chaibasa, had informed that she was not considered/ called for counselling as because, as per the Rules, the petitioner has not furnished the mark sheet of matriculation examination.

4. Counsel for the petitioner states that she had passed matriculation examination from the Board of Secondary Education, Orissa, in the month of October, 1983. He further submits that at that relevant point of time no individual mark sheets were granted to any individual candidates. To fortify his submission he has annexed Annexure-3/1, a certificate dated 21.09.2015 issued by O.P.M. Girls' High School, Govt. (New), Brajrajnagar, P.O. Brajrajnagar, District Jharsuguda (Orissa), wherein the Headmistress of the said School certified that the petitioner had passed Xth Examination in the year 1983 and at that time no individual mark sheets were issued by Board of Secondary Education, Orissa. In the said certificate it has also been mentioned that individual mark sheets were started to be issued since 1985.

5. Counsel for the petitioner submits that the certificate of examination issued in her name by the Board of Secondary Education, Orissa, (Annexure-4) was already annexed with the application form. The petitioner, thus, submits that since no individual mark sheets were issued in the year 1983 to the candidates, when the petitioner passed matriculation examination, it was not possible for her to annex the individual mark sheet. The petitioner submits that since at the relevant point of time mark sheet was being issued by the respective Schools under the Orissa Board, the petitioner had filed the same along with her application form. The petitioner, thus, submits that her case has to be reconsidered on the aforementioned backgrounds by the respondents.

6. Learned counsel for the State submits that since the petitioner has not annexed the individual mark sheet, her case was not considered.

7. In the peculiar facts and circumstances of the case, I direct the petitioner to file a representation before the District Superintendent of Education, West Singhbhum, Chaibasa, stating therein the entire facts and grounds taken by her in this writ petition. The District Superintendent of Education will take into consideration the submissions made by the petitioner and also the factual aspect that in the year 1983, when the petitioner passed matriculation examination, the Board was not issuing individual mark sheets. The District Superintendent of Education will also consider the fact whether she had presented copy of the mark sheet issued by the School and High School Examination certificate issued by the Board of Secondary Education, Orissa along with her application form. The District Superintendent of Education will also verify whether submissions made by the petitioner that individual mark sheet were not supplied in the year 1983 by the Board of Secondary Education, Orissa, is correct or not. After considering the aforesaid aspect, the District Superintendent of Education will pass a reasoned order and communicate the same to the petitioner on her address mentioned in the application submitted by her within a period of three months from the date of receipt of a representation of the petitioner.

8. This writ application is, thus, disposed of.