
(2006) 01 JH CK 0004
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5053 of 2005

Birendra Ram

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-01-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (2006) 1 JCR 266

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : O.K. Dubey and O.P Singh, for the Appellant; A.K. Sinha, AG, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—Heard the parties.

2. The short question that falls for consideration is as to whether petitioner as a matter of right can claim issuance of appointment letter by the respondents for the post of Constable particularly in the facts and circumstances of the present case.

3. It appears that petitioner applied for appointment on the post of Constable and after necessary test he was declared successful. The Director General of Police, Jharkhand issued direction to all the concerned authorities to take steps for appointment of all those persons who have been selected. In the meantime, FIR was lodged against, the petitioner u/s 302, IPC by his father-in-law alleging inter alia, that the petitioner was married with his daughter four years ago and after marriage he started torturing his wife. She gave birth of a child but. the behaviour of the petitioner was not changed. The informant one day found that dead body of his daughter lying on a Cot and there was mark on the neck of the dead body. Thereafter, petitioner was taken into custody on 13.7.2004 and he was not enlarged on bail. Petitioner remained in custody for about one year.

However, by judgment dated 12.7.2005 he was acquitted from the charges in Sessions Trial No. 209/2004. During the period when the petitioner was in jail, several other persons were appointed on the post of Constables sometime in September, 2004. On the basis of appointment of other persons, petitioner claims that respondents are bound to issue appointment letter to him.

4. Admittedly, petitioner remained in Jail custody for about one year on the charges of committing murder of his wife. It is different thing that ultimately he was acquitted from criminal charges. It is therefore, clear that there is no question of keeping the appointment of other persons in abeyance. It was not on account of any omission or commission or any fault of the respondent, appointment letter was not issued to the petitioner but it was because of the fact that petitioner was in jail custody for about one year, he was not called for final interview and appointment.

5. It is well settled that selection of a candidate and preparation of select list does not give an indefeasible right of appointment. In that view of the matter also petitioner cannot claim his appointment as matter of right and no direction can be issued to the respondents for issuance of appointment letter.

6. For the reasons aforesaid I do not find any merit in this writ application which is, accordingly dismissed.