
(2010) 12 JH CK 0024

In the Jharkhand High Court

Case No : Writ Petition (S) No. 192 of 2010

Chandra Shekhar Choubey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Citation : (2010) 12 JH CK 0024

Hon'ble Judges : Poonam Srivastava, J

Bench : Single Bench

Judgement

Poonam Srivastav, J.—Heard learned Counsel for the Petitioner as well as counsel for the Respondents.

2. Counter affidavit has already been filed. The writ petition can be disposed of at the stage of admission itself.

3. The grievance of the Petitioner is that though he was within the consideration zone, but he was not given appointment on account of the reason that there was a tie between Petitioner and another candidate. The date of birth of the selected candidate was 14.6.1981, and he being elder to the Petitioner, therefore, according to the settled rules, though both the candidates had equal marks, the Petitioner was deprived of his appointment as he was less in age. This assertion in the writ petition has been replied in the counter affidavit in Para 14, which is quoted herein below:

That in reply to the statements made in para-11 of the instant writ petition under reply, the answering Respondents say and submit that the Petitioner's height in the Master Chart was measured as 177.5 Cm., Educational Qualification was Intermediate. So, the total points of the Petitioner is 19 and his date of birth is 03.06.1985. The last selected candidate in general category has obtained 19 points and his date of birth is 14.06.1981. So, the last selected candidate in general category is senior than the applicant as per the Guidelines laid down for recruitment because in case two candidates get the same points, the candidates,

who is elder, will be selected. Roll No. 69530 had not even appeared in the physical test.

Roll No. 16288 is Ranjeet Dundung, Total Points obtained by him is 15. He is in ST category. Hence, due to relaxation as per rules for selection of ST candidates, he has been selected.

Roll No. 16247, Suraj Kumar, has obtained 20 points and hence, he is selected.

Hence, the claim of the Petitioner that the candidates having lesser qualification than him have been selected is malicious and not based on facts.

4. Thus, the undisputed fact is that both the candidates, the Petitioner and the last appointed candidate, were equal in all the aspects viz. merit, height, and other requirements as well. But, since there was no vacancy, the Petitioner was not able to get the appointment.

5. A supplementary affidavit has been filed subsequently on 6.4.2010. It has been asserted that there was still unfilled vacancy, as per annexure-1, which is a document issued from the office of the Senior Superintendent of Police, Ranchi and written to the Deputy Inspector General of Police, Hazaribagh, which shows that there were 55 vacancies for Unreserved categories, 32 for Scheduled Tribe, and one for Scheduled Caste. The Petitioner belongs to the General category and as such he is entitled for appointment as a Constable pursuant to the examination vide Advertisement No. 3 of 2007.

6. After hearing both the counsels, it is apparent that there still exist vacancies, and therefore, I dispose it of with the direction to the Respondents to ensure that in case the letter written by the Sr. Superintendent of Police, Ranchi to D.I.G. Hazaribagh regarding the vacancies, as per Annexure-1 to the Supplementary Affidavit, is correct and the position of vacancies narrated in the said letter exist, the Petitioner shall be given appointment within a period of three weeks from the date a certified copy of this order is produced.

7. With this observation and direction, this writ petition stands disposed of.