

**(2007) 07 JH CK 0035**  
**In the Jharkhand High Court**

Chitranjan Kumar and Others

APPELLANT

Vs

Coal India Ltd. and Others

RESPONDENT

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**Date of Decision :** 19-07-2007

**Acts Referred:**

**Citation :** (2007) 4 JCR 34

**Hon'ble Judges :** Narendra Nath Tiwari, J

**Bench :** Single Bench

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## Judgement

N.N. Tiwari, J.—In this I.A., the petitioners have prayed for allowing them to appear provisionally in the examination for selection/promotion from Non-Executive to Executive cadre, which it has been said, is going to be held on 22nd July, 2007. It has been stated that the petitioners have filed the writ petition much before time, but the respondents themselves had taken time for filing counter affidavit. However, no counter affidavit has been filed till date. The respondents, in the meantime, are going to hold the said examination in question, in order to debar the petitioners from appearing in the said examination. If the said examination is held and the petitioners are not allowed to appear in the same, the purpose of the writ petition will be frustrated and the writ petition will become infructuous.

2. Learned Counsel appearing on behalf of the respondents submitted that the petitioners are not eligible for the ensuing departmental examination for promotion to the Executive Cadre and, as such, they cannot be allowed to appear in the said examination.

3. Mr. M.S. Anwar, learned senior counsel appearing on behalf of the petitioners submitted that at least the petitioner Nos. 9 to 13 have fulfilled all-eligibility criteria and qualification for appearing in the said examination.

4. Without going into the merit of the contentions of the learned Counsel for the parties, this I.A. is allowed giving liberty to the petitioner(s) to approach the respondent, Director (Personnel), Coal India Limited, Kolkata respondent No. 2 to

show their eligibility and qualification, prescribed for the eligibility of the said examination. If one or other petitioners file(s) a representation showing their eligibility, qualification etc. the said respondent No. 2 shall consider the same and pass appropriate order. If one or other petitioner(s) is/are eligible and qualified for appearing in the said examination, the said respondent No. 2 shall allow such eligible petitioner(s) to appear provisionally in the said examination. The said respondent No. 2 on representation shall take expeditious decision, so that the eligible petitioner(s) may be allowed to appear in the said examination.

5. I.A. No. 2027 of 2007 stands disposed of.

6. Let a copy of this order be handed over to the learned Counsel for the parties.