
(2007) 04 JH CK 0092

In the Jharkhand High Court

Deep Chandra Verma, Birendra Ram Das, Narayan Paswan
and Manoj Kumar Verma

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 03-04-2007

Acts Referred:

Citation : (2007) 3 JCR 361

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Mr. Sarangi, learned Counsel for the petitioner, submitted that four persons filed writ petition being W.P. (S) No. 687 of 2003. The case of two writ petitioners namely Md. Kalimuddin and Md. Kalamuddin was allowed whereas the case of other two petitioners namely Md. Mobin and Shambhu Kumar was dismissed 2003 (4) JLJR 348. He submitted that the case of Deep Chandra Verma and Birendra Ram Das is similar to the case of Md. Kalimuddin and therefore order of their termination be set aside. He admitted that the cases of Narayan Paswan and Manoj Kumar Verma is similar to the case of Md. Mobin and Shambhu Kumar Gupta, whose cases were dismissed.

2. Counsel for the State disputed that the case of Deep Chandra Verma and Birendra Ram Das is similar to the case of Kalimuddin. He submitted that in view of the Constitution Bench Judgment in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, , no illegal appointees can be allowed to continue.

3. It appears from paragraphs 11 and 12 of the said judgment reported in 2003 (4) JLJR 348 that in the show cause filed in the contempt petition, the respondents said that prima facie the appointment of Kalimuddin deemed to be genuine. In view of such statement, order was passed in the said case. It appears from the order dated 6.8.2003, passed by the Government that after the

order was passed in the said contempt case, the matter was examined and the services of Narayan Paswan, Deep Chandra Verma, Manoj Kumar Verma, Birendra Ram Das and Shambhu Kumar Gupta were found to be illegal, after issuing notices to them in this regard. It was found that procedure for appointment was not followed. In such circumstances, it cannot be said that the case of Deep Chandra Verma and Birendra Ram Das is similar to the case of Kalimuddin, rather they are similar to the case of Md. Mobin and Shambhu Kumar Gupta, whose writ petitions were dismissed by this Court. Moreover, in view of the Constitution Bench Judgment of Uma Devi (Supra), no direction can be issued now for continuing the illegal appointees.

4. Mr. Sarangi then submitted that an order similar to the order passed in the case of Suresh Bhandari on 6.2.2007 in W.P. (S) No. 3836 of 2003 may be passed by directing the respondents to follow the guidelines given in paragraph 53 of the case of Uma Devi (Supra).

5. It has been rightly pointed out by the State counsel that no such direction could/can be issued, as paragraph 53 was with regard to the persons, whose appointments were merely irregular and not illegal and in the present cases, the appointments of the petitioners have been found to be illegal.

6. From the facts and circumstances, noticed above, I am satisfied that the case of Deep Chandra Verma and Birendra Ram Das is not covered by the case of Kalimuddin; and moreover in view of the judgment of Uma Devi (Supra), no relief can be granted to them. In the result, these writ petitions are dismissed. However, no costs.