

(2018) 05 JH CK 0072

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4877 of 2009

Dr. Hari Prasad S/o Late Sidheshwar Prasad

APPELLANT

Vs

Director, Health Services, Jharkhand State, Ranchi

RESPONDENT

Date of Decision : 17-05-2018

Acts Referred:

Citation : (2018) 05 JH CK 0072

Hon'ble Judges : PRAMATH PATNAIK, J

Bench : Single Bench

Advocate : Ashutosh Mishra, D.K. Dubey

Final Decision : Dismissed

Judgement

Pramath Patnaik, J

1. The aforesaid writ petition pertains to selection of Medical Officer by Jharkhand Public Service Commission and the result of which has been

published on 25.09.2009 under Advertisement no.16/2008. The petitioner has prayed for direction to the respondents for giving preference to him since

he has worked on contractual basis.

2. Shorn of unnecessary details, the facts, as has been disclosed in the writ application, in a nutshell, is that in pursuance to Advertisement No.16/2008

the petitioner submitted application for the post of Medical Officer having experience of contractual services. Being aggrieved by the non-selection on

the said post, the petitioner has been constrained to approach this Court under Article 226 of the Constitution of India for redressal of his grievance.Â

3. Mr. Ashutosh Mishra, learned counsel for the petitioner submits that the petitioner has been working on contractual basis as Medical Officer since

2003 and the authorities ought to have given preference to the contractual

appointees but in the instant case, no such preference has been given to the petitioner, thereby his valuable right for appointment has been infringed in breach of Article 14 and 16 of the constitution of India.

4. A counter affidavit has been filed on behalf of the respondents controverting the assertion made in the writ application. In the counter affidavit it

has been submitted that a provisional merit list for all categories of candidates was prepared by the JPSC and was forwarded to the Department of

Health, Medical Education and Family Welfare, Government of Jharkhand vide letter dated 29.09.2009. In the said provisional list only 92

candidates were recommended against the total reported vacancy of 102 under Schedule Caste category. It has further been submitted that the

respondent-State has no role in preparation of the said merit list. The Department of Health has only acted on the said list with a view to appoint the

candidates against the vacant posts of Medical Officers in the interest of larger section of the society and since petitioner's name did not figure in

the said list he was not considered for appointment.

5. Mr. D. K. Dubey, Sr. S.C-I appearing on behalf of the State submits that in the meantime since the date of advertisement, almost one decade has

elapsed and the process of selection has been over and the petitioner has been found disqualified by the JPSC, so there is no ground to interfere in the

selection process made by the JPSC.

6. Having heard learned counsel for the parties and on perusal of the record, this court is not inclined to interfere with the process of selection nor the

Court is inclined to accede to the prayer of the petitioner, due to the following facts and reasons:

(I) In pursuance to Advertisement No.16/2008, the process of selection has been conducted by the JPSC wherein a list of 92 successful candidates

has been published against the total reported vacancy of 102 under Schedule

Caste category. Since petitioner's name did not figure in the said list he was not considered for appointment and, therefore, the claim of the

petitioner on that score is not acceptable.

7. As a logical sequitur to the aforesaid reasons, this Court is not inclined to interfere with the process of selection and accordingly, the writ petition

sans merit, is dismissed.

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