
(2011) 12 JH CK 0021

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4681 of 2011

Foujdar Mahto

APPELLANT

Vs

State of Jharkhand and Ors

RESPONDENT

Date of Decision : 12-12-2011

Acts Referred:

Citation : (2012) 1 JCR 338

Hon'ble Judges : Prashant Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prashant kumar, J.—Learned counsel for the petitioner is permitted to make necessary correction in the name of respondent No. 4.

2. Heard Sri A.K. Sahani, learned counsel for the petitioner and Sri Anil Kumar Sinha, learned Advocate General.

3. In the instant case, petitioner challenged the order contained in Annexure-9 whereby respondent No. 4, Dashrath Prasad Verma was appointed as choukidar of Village Sharpura, Bit No. 3/7.

4. It is submitted that the petitioner earlier filed a writ application for a direction to consider the case of petitioner for appointment on the post of choukidar. In the aforesaid writ application, this Court directed the respondents to complete the process of appointment of choukidar of aforesaid village within six months and also consider the case of petitioner. It appears that in pursuance of direction of this Court, an advertisement made in the Daily Newspaper. It further appears that in pursuance of said advertisement, eleven persons applied including the petitioner. Thereafter an interview held on 5.10.2002 and after Interview one Hira Lal Verma appointed on the post of choukidar. It further appears that later on, appointment of aforesaid Hira Lal Verma was cancelled, because he did not possess requisite educational qualification.

5. Thereafter, another advertisement made in Daily Newspaper, In pursuance of this advertisement again petitioner Hira Lal Verma and others applied. It appears that again case of petitioner considered by the Selection Committee, however, he was not selected because he belongs to different village and also did not possess requisite educational qualification.

6. Selection committee selected respondent No. 4 (Dashrath Prasad Verma) recommended his name for appointment. Accordingly, respondent No. 4 appointed on the post of choukidar of village Sharpura Bit No. 3/7.

7. It is submitted by Sri Sahani that respondent No. 3 has no jurisdiction to appoint respondent No. 4. Thus, aforesaid appointment is illegal. He submits that in the counter-affidavit filed by the respondents, it is mentioned that the appointment of respondent No. 4 is required to be regularized by the District Establishment Committee. Thus, Deputy Commissioner has no power of appointment.

8. On the other hand, Advocate General submits that in fact, case of petitioner, considered by the District Establishment Committee and after considering the case, petitioner was not selected because he belongs to different village, as also he does not possess requisite educational qualification.

9. From perusal of Clause 41 of the Choukidari Manual, it is clear that the respondents are required to give preference to a local candidate. It is admitted position that the petitioner belongs to different village, whereas respondent No. 4 (Dashrath Prasad Verma) is a local candidate. It appears that respondents gave preference to respondent No. 4 over petitioner as respondent No. 4 is a local candidate. It is well settled that a candidate has no right to appointment rather he has right to be considered for appointment. Since the case of the petitioner considered and he has not been selected as he did not possess requisite educational qualification and also belongs to other village, thus, I find no illegality in the appointment of respondent No. 4.

10. I find no merit in this writ application, the same is accordingly, dismissed.