

(2013) 09 JH CK 0045
In the Jharkhand High Court
Case No : Writ Petition (S) No. 3302 of 2009

Gautam Bharti

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 30-09-2013

Acts Referred:

Citation : (2013) 09 JH CK 0045

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : K.P. Deo, for the Appellant;

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—After the last order, a supplementary counter affidavit has been filed by the respondents in which they have enclosed the notification dated 12.11.2001 issued by the Special Secretary Home Department, Government of Jharkhand. It is stated on behalf of the respondents that Clause (7), which relates to the conditions for the written exam, stipulates that an interested candidate having a minimum educational qualification of at least seven passed, is required to appear in the written exam and qualify the same. However, the marks obtained in the said qualifying written exam would not be reckoned for the purpose of preparing the merit list. The advertisement No. 01 of 2004, which has been brought on record by a rejoinder affidavit filed on 06.12.2012, also contains the same condition at Clause-8(k). The grievance of the petitioner is that he had been disqualified on having failed to obtain the minimum 40% qualifying marks in the regional examination, otherwise he has possessed 80% marks in the other written examination relating to general subjects. The grievance of the petitioner in this writ petition is that in the third merit list, declared on 16.02.2009 under Advertisement No. 1 of 2004, his name has not been shown as the selected candidate, apparently on the ground that he has failed to qualify the regional exam. It is the contention of the petitioner that Advertisement No. 01 of 2004 contains stipulation that interested candidate

having minimum qualification of seven passed was required to take a written test of 100 marks only and there was no stipulation of requiring to pass a regional examination. This contention of the petitioner, however, appears to be misplaced in view of Annexure-14, which is brought on record by way of his own affidavit i.e. the rejoinder dated 06.12.2012. In the said written examination it appears that apart from 100 marks prescribed for general subjects, a separate exam for the regional language was held for such candidates and the qualifying marks laid down was 30% for the scheduled castes and scheduled tribe category and 40% marks for the rests.

2. The respondents have annexed the results of the regional paper of the petitioner at Annexure-B to the first counter affidavit wherein the petitioner had been declared failed because of not having obtained the minimum qualifying marks in the regional subject. In the general papers, however, he was declared to have passed. The full marks and qualifying marks in general subjects and the regional language have been shown to 100 and 40 respectively.

3. The petitioner has participated in the Khortha subject where he has apparently failed. The result, therefore, which has been published in the third merit list on 16.02.2009, appears to have been prepared on the basis of stipulation contained in the first advertisement, which itself was based upon a notification dated 12.11.2001. In such circumstances, therefore, the petitioner has failed to make out any ground of interference in this writ petition, which is, accordingly, dismissed.