
(2009) 01 JH CK 0100
In the Jharkhand High Court
Case No : Writ Petition (S) No. 3925 of 2007

Ghanshyam Upadhayay

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-01-2009

Acts Referred:

Citation : (2009) 57 BLJR 921

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : Moti Gope and Rajiv Anand, for the Appellant; J.C to G.P. III, for the Respondent

Judgement

R.R. Prasad, J.

Heard learned Counsel appearing for the petitioner and learned Counsel appearing for the State.

1. Having heard both of them and taking into consideration the case of the parties as has been put forth in the writ application as also in the counter affidavit filed on behalf of respondent No. 3, it does appear that pursuant to advertisement No. 02/2002 dated 24.4.2002 issued by District Administration, Hazaribagh, petitioner and other persons after submitting their applications underwent process of selection and came out successful. Accordingly, the petitioner was empanelled in the panel prepared by the Selection Committee. Thereupon, names of 28 persons, as per the request made by respondent No. 3 for filling up the vacant posts, were sent for their appointment on class IV posts in the said school but the Selection Committee of the school found only six candidates to be eligible for their appointments on class IV posts in the said school, namely, Indira Gandhi Residential Girls School, Hazaribagh and as such names of rest of the candidates were returned with the comments that the persons with specific qualification/experience needs to be appointed in the residential school which does have special characteristics. Accordingly, District

Selection Committee undertook a fresh process keeping in view the requirement of the school whereby experience certificate/technical certificate etc. were called for from the respective candidates and after scrutiny, only 9 candidates including the petitioner were found to be eligible to be appointed on class IV posts in the said school. Thereafter name of the petitioner and other 8 persons were recommended vide letter No. 340 Naz dated 18.4.2007 (Annexure M to the counter affidavit) for their appointment on different posts and so far petitioner is concerned, his name was recommended for the appointment on the post of Treasury Sarkar. But no order relating to the appointment of the petitioner on the post of Treasury Sarkar was passed for the reason, which has been stated in the counter affidavit, that the petitioner is over-age and that he does not have any experience of the post and as such, petitioner is not entitled to be appointed. However, according to the petitioner, this objection is not tenable as the petitioner was working on daily wages since long and taking into consideration this aspect of the matter, the petitioner was allowed to take examination in which he came out successful and when the name of the petitioner was recommended, this kind of objection is not sustainable.

2. Plea taken on behalf of the petitioner appears to be quite justified in the facts and circumstances of the case.

3. No doubt it is true that as per the rule, the school does have Selection Committee for the purpose of making recruitment in Class III and Class IV posts and any selection made by the Selection Committee needs to have its approval by the Governing Body but the authorities of the school without undertaking the selection process by themselves made request from the District Administration for providing list of eligible candidates for their appointments who had come out successful in the process of the selection and in that situation, it is wholly unjust on the part of the authority of the school to raise objection in the matter of appointment of the petitioner by taking aforesaid plea specially when the District Administration had made recommendation of the candidates including the petitioner being satisfied with their experience/qualification suited to the need of the school.

4. Accordingly, this writ application is disposed of with a direction to the respondent No. 3, the Principal, Indira Gandhi Residential Girls School, Hazaribagh to take decision in the matter of appointment of the petitioner on the post of Treasury Sarkar in the said school after getting all the formalities completed within a period of three months from the date of receipt/production of a copy of this order.