
(2009) 11 JH CK 0128
In the Jharkhand High Court

Hemant Kumar Singh, Pranav Kumar and Arvind Singh	APPELLANT
Vs	
The State of Jharkhand and Others	RESPONDENT

Date of Decision : 19-11-2009

Acts Referred:

Citation : (2009) 11 JH CK 0128

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. There is no dispute that the case of the present writ petitions stand exactly on the similar footing to that of the Writ Petitioners in C.W.J.C. No. 3503 of 1998 (R) and C.W.J.C. No. 3671 of 2000 and analogous cases. As those writ petitions have already been dismissed and the order passed by the Single Bench was also affirmed in the Letters Patent Appeal, thereafter it appears that those writ petitioners preferred SLP before the Supreme Court and the Supreme Court, by Judgment as contained in Annexure-F, passed the following order:

We make it dear that ad hoc appointees have no right to claim regularisation in service but because of erroneous procedure adopted by the concerned authority in appointing such persons and thereafter continuing them for years together, on occasions, relief is required to be moulded in favour of such employees. In the present case, undisputedly, the appellants were appointed as early as in the year 1988 - 89 and have continued to work on the posts for years together. Further, considering the fact that appointments of the appellants were made on the basis of orders passed by the State Government and that too on recommendation by the Selection Board and after taking into consideration the requirement of the project, which is still continuing, we accept the submission made by the learned senior counsel for the appellants.

In this view of the matter, we direct the State of Jharkhand to consider at the earliest for recruiting Technical Assistant for the Semen Bank Project and to fill

up the existing vacancies within a period of three months from today. For that purpose, the respondent - State is directed to constitute a Selection Committee as per the existing Rules within a period of three months from today.

(ii) The appellants whose services are terminated may apply to the Secretary of the Animal Husbandry Department within a period of one month for being re-appointed or for regularisation of their services. The Committee shall consider the eligibility, suitability, past record as well as the educational qualifications of the appellants as per the rules as on today;

(iii) The Committee shall give relaxation of age and weightage over outsiders as directed by the High Court. However, if the appellants are found unsuitable for some reasons, it would be open to the Committee to reject their applications.

Appropriate authority shall issue orders for appointment after considering the roster and the merit list on available vacancies.

He appeals stand disposed of accordingly. There shall be no order as to costs. We, however, make it clear that this case shall not be treated as preceded as we have decided it purely on the facts and in the peculiar circumstances of this case.

3. By filing counter affidavit, it is stated that pursuant to the order of the Supreme Court, a Selection Committee was constituted and thereafter, process for appointment has been initiated by the State of Jharkhand.

4. In this view of the matter, in this changed situation, the claim of the petitioner does not survive. The Judgment and order passed by this Court in C.W.J.C. No. 3503 of 1998 (R) and C.W.J.C No. 3671 of 2000 and analogous cases as well as the Judgment of the Supreme Court passed in Civil Appeal Nos. 5342, 5343, 5344, 5345, 5346 and 5376 of 2003 shall also govern the case of the petitioner.