
(2016) 03 JH CK 0049
In the Jharkhand High Court
Case No : W.P.(PIL) No. 1048 of 2016

Jagdanand Mahto

APPELLANT

Vs

State of Jharkhand and Ors.

RESPONDENT

Date of Decision : 09-03-2016

Acts Referred:

Constitution of India, 1950 — Article 16, 226

Citation : (2016) 2 AIRJharR 117

Hon'ble Judges : Virender Singh, C.J.;S. Chandrashekhar, J.

Bench : Division Bench

Advocate : Rajiv Ranjan, Sr. Advocate and Shresth Gautam, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Virender Singh, C.J. - Mr. Rajiv Ranjan, learned senior counsel appearing for respondent Nos. 1 and 2, states that in more than three hundred cases Choukidars were appointed on the basis of inheritance and after the judgment of learned Single Judge dated 17.11.2011 handed down in WP(S) No. 2072 of 2007, Deputy Commissioners of all 24 districts have been directed by the Home Secretary to issue show cause notices to all such persons as to why their services be not terminated. Mr. Ranjan, however, states that a discreet enquiry shall be held in this regard and if any of the Choukidars has got appointment on any other ground except on the basis of inheritance and not covered by the aforesaid judgment, all those cases will be segregated and dropped.

2. At this stage, Mr. Manoj Tandon, appearing as Amicus Curiae states that may be the Home Secretary has carried out some exercise in scrutinising the cases of all those Choukidars, who have been appointed after the judgment dated 17.11.2011 of the learned Single Judge passed in WP(S) No. 2072 of 2007, but nothing has been indicated in the affidavit with regard to the appointment of the Choukidars made after 19th April, 2010 that is, the date of the judgment by Hon"ble Supreme Court in the case of Surendra Paswan and Ors. v. State of

Bihar and Ors., reported in 2010(3) JCR 161 (SC) : 2010 (6) SCC 680.

3. Mr. Rajiv Ranjan states that perhaps, Mr. Manoj Tandon is right in saying and perhaps no exercise has been done for scrutinising the cases of those Choukidars, who have been appointed after 19.04.2010 till 17.11.2011. He states that this exercise is likely to take at least 4-6 weeks, therefore, Home Secretary may be given some time.

4. Let needful be done in this regard and, thereafter, Home Secretary shall file supplementary affidavit giving the complete details in this regard.

5. List again on 27th April, 2016, within first five cases.

6. Mr. N.N. Pandey, the Home Secretary, who is present in the Court, in person, pursuant to our direction, need not appear henceforth.