
(2008) 02 JH CK 0088
In the Jharkhand High Court

Kamakhya Narayan Singh and Another	APPELLANT
Vs	
State of Jharkhand and Others	RESPONDENT

Date of Decision : 08-02-2008

Acts Referred:

Citation : (2008) 2 JCR 125

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the petitioners have prayed for a direction on the respondents to issue appointment letters to the petitioners as they were declared successful by Jharkhand Public Service Commission (JPSC for short) and their names were recommended for appointment to the posts of Primary Trained Teacher. Thereafter, the petitioners were waiting for letter of appointment, but neither the letter of appointment has been issued nor any reason has been assigned for not issuing the letter of appointment to them.

2 It has been submitted that an advertisement was published in daily newspaper "HINDUSTAN" on 29.8.2002 for appointment of 9223 Primary Trained Teachers in different districts of the State of Jharkhand. The petitioners applied for the same and the admit cards were issued by the JPSC. They appeared in the test and were selected. Their names along with other eligible candidates were recommended by JPSC. It has been stated that the other candidates have been appointed, but no appointment letter has been issued to the petitioners. It has been stated that they are graduate and completed the training from R.G. Polytechnic, Delhi in the year 1990 and are eligible for the posts in all respect. Considering the same and also in view of the fact that they have been selected in the test, their names have been recommended for appointment by JPSC and there is no reason for not issuing appointment letter to them. It has been submitted that Ataul Ansari and Ansarul Ansari, who took training from the same Institute, have already been appointed. A counter-affidavit has been filed on behalf of the respondents stating, inter alia, that the Institution of the petitioners

is not recognized. It has been stated that the petitioners have passed teachers training examination from R.G. Polytechnic, Delhi, which is not a recognized Institute by the State Government and U.G.C. So, in the light of direction contained in Memo No. 404 dated 16.2.2004, appointment letters have not been issued to the petitioner.

3. I have heard learned Counsel for the petitioners and perused the materials on record. The petitioners have made out specific case that they are graduate and they have taken training from R.G. Polytechnic, Delhi which is a recognized Institute by NCRT and Government of Andhra Pradesh. It has been also stated that the Institute being recognized, two persons, namely, Ataul Ansari and Ansarul Ansari, who have obtained training certificate from the same Institute, have been given appointment letter. There is no specific reply of the respondents. The respondents have not denied the statement that some of the persons, who have obtained training certificate from the same Institute, have been appointed. The respondents have taken plea that the appointments are to be made after scrutinizing the certificates of training in the light of the direction contained in Memo No. 404 dated 16.2.2004, issued by the Secretary, Primary and Secondary Education, Jharkhand in which under paragraph-Gha, direction has been given that the candidates, who have obtained the training certificates before 17.8.1995 from recognized Institute, can be appointed after giving an affidavit stating that he has completed teachers training from recognized Institute and have passed the teachers training and the certificate is valid.

4. Learned Counsel for the petitioners submitted that they were ready to furnish the required certificate, but the said question was never raised by anybody at any level. Now, for the first time, the said stand has been taken in the counter-affidavit. Learned Counsel submitted that the petitioners' certificates come within the provision of paragraph Gha" of Memo No.404 dated 16.2,2004 as they have completed the teachers training from R.S. Polytechnic Delhi which is a recognized Institute and the said certificates, which are recognized by NCRT as well as Government of Andhra Pradesh, are valid. There is, thus, no valid ground to deny issuance of appointment letter to them. It has been submitted that though the reason for not issuing the appointment letter to the petitioner has been given in the counter-affidavit, the same was not communicated to the petitioners earlier. However, the petitioners are still ready to furnish the required affidavit.

5. Considering the said Submissions "of the learned Counsel for the parties and also considering the facts and materials, appearing on record, this writ petition is disposed of giving liberty to the petitioners to file representation to that effect annexing the required affidavit before the District Superintendent of Education, Chatra. If such representation is filed along with required affidavit, the said respondents shall consider the petitioners' representation and pass appropriate order in accordance with law also taking into account the petitioners; claim that the others, who have completed training from the same Institute, which is a

recognized Institute, have been given appointment. The said respondent shall take decision and dispose of the petitioners' representation within a period of six week from the date of receipt of representation.