
(2012) 06 JH CK 0024
In the Jharkhand High Court
Case No : Writ Petition (S) No. 2166 of 2008

Krishna Ram

APPELLANT

Vs

The State of Jharkhand and others

RESPONDENT

Date of Decision : 14-06-2012

Acts Referred:

Citation : (2012) 06 JH CK 0024

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Ajit Kumar Dubey and Nagmani Tiwari, for the Appellant; Mohan Kr. Dubey, J.C. to A.G., for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh

1. This writ petition relates to appointment of a Constable pursuant to Advertisement No. 1/04 issued by the respondents inviting applications for appointment of Constables in the Districts of Hazaribagh, Koderma, Giridih and Chatra. Admittedly, the petitioner although initially was in the list of successful candidates, but was excluded from the said list, which comprised 932 candidates on account of malpractice having detected on inquiry in the conduct of the recruitment exercise. The issue was raised before this Court and decided by a judgment delivered by a Division Bench of this Court in W.P.(S) No. 1242 of 2006 and analogous cases in respect of other persons. From perusal of the judgment which has been brought on record as contained in Annexure-A to the counter affidavit of the respondents State, amongst the directions passed by a Division Bench of this Court in sub para (b) of Para 11 is relevant for the present purpose, which is quoted hereinbelow:

Para 11(b) : respondents are directed to make appointment according to select/merit list of successful candidates declared successful in the four districts of the State, namely, Hazaribagh, Koderma, Chatra and Giridih against the advertised

vacancies excluding 932 candidates identified by the Inquiry Officer and found to be beneficiaries of malpractices during; the selection. Let the appointments of such candidates be made within two months.

2. Learned counsel for the respondents submits that on account of specific direction of this Court passed in the aforesaid case the names of 932 persons have been excluded from the list of successful candidates as directed by the Court. The petitioner's name also falls in the list of 932 candidates.

3. It is submitted on the part of the petitioner that he is ready for re measurement in order to demonstrate his bonafide. However, such a condition cannot be entertained after passing of the judgment by a Division Bench of this Court. In view of the aforesaid facts and specific direction of a Division Bench of this Court by which the name of the petitioner along with 331 other candidates were specifically excluded from the merit list no relief can be granted to the petitioner herein question. Accordingly, this application is dismissed.