
(2018) 04 JH CK 0078

In the Jharkhand High Court

Case No : L.P.A. No. 58 of 2017 With I.A. No. 2350 of 2018

MD. MAHIRUDDIN, SON OF SHEKH DUKHA

APPELLANT

Vs

STATE OF JHARKHAND

RESPONDENT

Date of Decision : 05-04-2018

Acts Referred:

Citation : (2018) 04 JH CK 0078

Hon'ble Judges : D.N. PATEL, J; RAJESH KUMAR, J

Bench : Division Bench

Advocate : Abha Verma, Chanchal Jain, Mithilesh Singh

Final Decision : Dismissed

Judgement

D.N. Patel, A.C.J.:Â

1. This Letters Patent Appeal has been preferred by the original petitioner whose W.P.(S) No. 844 of 2014 was dismissed by the learned Single Judge

vide judgment and order dated 6th January, 2017, whereby, the claim of this appellant (original petitioner) for getting appointment on the post of Head

Clerk was declined and the order passed by the respondent dated 22nd October, 2013 which is at Annexure-13 to the memo of this Letters Patent

Appeal was upheld.

Reasons:-

2. Having heard counsels for both the sides and looking to the facts and circumstances of the case, it appears that this appellant is the original

petitioner who was appointed on the post of Clerk. It is prayed by this appellant that at the time of retirement, one letter, which is annexed at

Annexure-1 to I.A. No. 2350 of 2018, was issued by Millat College, Parsa (Godda) to the effect

that this appellant

has retired as a Head Clerk and, therefore, this appellant is claiming the post of Head Clerk and the salary of the post of Head Clerk. In fact, the said

letter has no value in the eye of law because the issuing authority of the said letter i.e. Millat College, Parsa (Godda) has no power, jurisdiction and

authority to appoint or promote this appellant as a Head Clerk nor there is any appointment with this appellant on this post.

3. Even otherwise also, such post like Head Clerk is not in existence at all, looking to the Hon'ble S.C. Agrawal Commission's Report. This aspect of

the matter has been properly appreciated by the learned Single Judge while dismissing the writ petition being W.P. (S) No. 844 of 2014 vide judgment

and order dated 6th January, 2017 as the post of Head Clerk is not available in the said College and only 3 sanctioned posts of Clerk were in

existence. There is no question, whatsoever arises, of the appointment of this appellant on the post of Head Clerk. Hence, there is no substance in this

Letters Patent Appeal, the same is, hereby, dismissed.

In view of final disposal of the Letters Patent Appeal, I.A. No. 2350 of 2018 is also dismissed.