

(2005) 08 JH CK 0029
In the Jharkhand High Court
Case No : LPA No. 455 of 2005

Md. Mustaque Ahmed and Another	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 08-08-2005

Acts Referred:

Citation : (2005) 4 JCR 390

Hon'ble Judges : Altamas Kabir, C.J;M.Y. Eqbal, J

Bench : Division Bench

Advocate : P.P.N. Roy, J.P. Sinha and Praveen Kumar, for the Appellant; S.K. Verma, S.C. (Mines) and Shipra Shalini, JC to SC (Mines), for the Respondent

Judgement

1. This appeal is directed against the judgment and order dated 16th May, 2005 passed by the learned Single Judge on the writ application filed by the appellants herein, being WPS 6669 of 2004, See 2005 (3) JCR 31 (Jhr) dismissing the same as being without any merit.

2. As would appear from the materials on record, the petitioners are Ummidwar peons empanelled since 1991 and are eligible for appointment against Class IV posts, in terms of the policy of the State Government. According to the appellants, in order to make such appointments, the Deputy Commissioner, Hazaribagh, issued notice for holding written competitive test for appointment against the said posts. As was recorded by the learned Single Judge, the only question which arose, is whether the respondents could hold such a written competitive test for appointment against Class IV posts of Peon. Relying on an earlier decision of this Court in the case of Gangadhar Bhandari v. Government of Jharkhand and Ors., WP (S) No. 4951 of 2004, the learned Single Judge held that in order to bring in a certain amount of transparency in the selection process, the authorities did not commit any error in directing the written competitive test for the purposes of selection.

3. In the instant case, it is being sought to be urged that since the appellants

have been working on daily wage basis for a long and uninterrupted period, in their cases the authorities ought not to have insisted on a written test and should have proceeded to select them on the basis of interviews, as had been done in other districts. In fact, it has been categorically mentioned that in other districts written tests have not been held, which fact has, however, been controverted on behalf of the State and it has been submitted that apart from Hazaribagh, such written test was also held in the district of Deoghar for the purposes of selection. On behalf of the State, it has also been urged that in order to facilitate the selection of those candidates, who have rendered service for such a long period of time after the cut-off date of 1st August, 1985, additional marks by way of weightage were to be given. It was submitted that as far as the appellants are concerned, they had been empanelled in 1991-92 in the select panel and for such candidates, it had been decided to give 50 marks as weightage in addition to the marks which would be obtained by the candidates in the written test.

4. It may be indicated that pursuant to the order passed by us on 22nd July, 2005, the appellants had sat for the written test, which was scheduled to be held on 24th July, 2005 but the results were withheld on account of the order, passed by this Court.

5. Having considered the submissions made on behalf of the respective parties and having further regard to the fact that weightage of 50 marks, which comprises 1/3rd of the total marks to be awarded, is being given to the appellants, there can be little reason for interference with the order passed by the learned Single Judge.

6. We, wherefore, dispose of the appeal by directing the respondents to declare the results of the written test and to select the successful candidates on the basis of the written test and the weightage to be given in terms of the stipulations made in the counter affidavit, filed on behalf of the State. There will be no order as to costs.