
(2009) 04 JH CK 0092
In the Jharkhand High Court

Mohd. Suhail Khan

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-04-2009

Acts Referred:

Citation : (2009) 04 JH CK 0092

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—The present petition has been preferred mainly for the reasons that though the petitioner is fully qualified and though he has cleared all the examinations, required to be cleared for appointment on the post of Police Constable, he has not been given proper marks on the basis of his passing of examination and qualification, especially for clearing his Intermediate Examination in Arts Faculty.

2. It is submitted by the learned Counsel for the petitioner that necessary information was already given initially that he has already cleared I.A. Examination in the year, 1997 and later on necessary certificate was also submitted to the Deputy Inspector General of Police at the time of written examination, as stated in the supplementary affidavit filed by the petitioner, and, therefore, had this certificate of I.A. Examination been properly considered, he would have obtained 17 points, which is enough for selection as per paragraphs No. 13 of the counter affidavit filed by the respondents and, therefore, the petitioner ought to be declared as selected candidate for the post of Police Constable and necessary formalities ought to be completed for giving appointment to the petitioner on the post of Police Constable as early as possible.

3. I have heard learned Counsel appearing on behalf of the respondents, who has submitted that no error has been committed by the respondents in giving points to the petitioner. As stated in the counter affidavit, the petitioner has

obtained only 16 points on the basis of his performance and educational qualification and, therefore, he has not been selected. If he would have obtained 17 points instead of 16 points, he would have been selected as a Police Constable and, therefore, this petition deserves to be dismissed.

4. Having heard learned Counsel appealing for both the sides and looking to the facts and circumstances of the case, it appears that:

(i) The present petitioner had applied for appointment to the post of Police Constable in pursuance of general advertisement given by the respondents;

(ii) He has also appeared in various examinations, conducted by the respondents and he has been declared successful in those examinations.

(iii) Looking to the allocation of points that some marks have been allocated to the educational qualification, the petitioner has mentioned in his application that he has appeared at the Intermediate Examination in Arts Faculty and he has also cleared the said examination;

(iv) Necessary certificate for clearing I.A. Examination was also presented before the Deputy Inspector General of Police at the time of written examination, as stated in the supplementary affidavit, filed by the petitioner dated 27th March, 2009;

(v) It appears from the counter affidavit that the petitioner was given total 16 points and, therefore, he was not selected;

(vi) Looking to paragraph No. 13 of the counter affidavit, filed by the respondents, it appears that had the petitioner obtained 17 points, he would have been in the select: list;

(vii) Looking to the facts of the case, it appears that the respondents have not properly appreciated the fact that the petitioner has already cleared Intermediate Examination in Arts Faculty in the year, 1997. This fact was mentioned in his application and necessary certificate was also presented before the Deputy Inspector General of Police as per the supplementary affidavit filed by the petitioner,

(viii) If this fact would have been properly appreciated by the respondents, the petitioner would have fetched 17 points instead of 16 points and as per paragraph No. 13 of the counter affidavit, he would have been in the select list.

5. It is also submitted by the learned Counsel or the petitioner that other similarly situated persons were also called for verification of the educational qualification at the time of appointment. Had a care been taken by the respondents to verify the documents regarding educational qualification, the petitioner would have been there in the select list.

6. As a cumulative effect of the aforesaid facts and reasons and especially looking to the fact that the petitioner has already cleared Intermediate

Examination in Arts Faculty in the year, 1997 and also looking to the fact that there was a reference of educational qualification in his application form also and also looking to the fact that necessary documentary evidence was presented by the petitioner to the Deputy Inspector General of Police at the time of written examination, he is entitled for 17 points as per the scheme regarding grant of points by the respondents and, therefore, I hereby direct the concerned respondents to consider the aforesaid aspect and the decision, rendered by this Court, and pass necessary orders for appointment of the present petitioner on the said post, if he is not found otherwise disqualified so expeditiously that the process ought to be over within a period of 12 weeks from the date of receipt of a copy of this order.

7. This writ petition is, accordingly, allowed and disposed of.