
(2003) 07 JH CK 0079
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5009 of 2002

Punam Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-07-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 3 JCR 739

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : M.S. Anwar, Altaf Hussain, Ruby Parween, M. Shadique Ahmad and N. Hoda, for the Appellant; G.A., for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In this writ application the petitioner seeks direction upon the respondents to consider her case for appointment on the post of Assistant Teacher in Government Basic Schools within South Chotanagpur Division, Ranchi and for quashing the order as contained in order dated 28.4.2001 issued by Regional Deputy Director of Education, South Chhotanagpur Division, Ranchi rejecting the claim of the petitioner for appointment on the post of Assistant Teacher in Basic Schools.

2. Petitioner's case is that she applied in the year 1991 for appointment on the post of Assistant Teacher and she was issued interview letter dated 9.4.2001. She appeared before the interview Board on 25.4.1991 and did well but no appointment letter was issued. It is contended that some of the candidates moved Patna High Court in CWJC No. 2271/96-R, which was disposed of on 6.2.1997 with a direction to the respondents to first ascertain the number of existing vacancy and then make appointment from the list/panel prepared by them. Petitioner said to have filed representation on 7.4.2001 through registered post but her representation has been rejected. -

3. Mr. M.S. Anwar, learned counsel for the petitioner drawn my attention to the order dated 10.7.2003 passed in W.P.S. No. 4567 of 2001 and submitted that in similar circumstances this Court directed the respondents to consider the case of the writ petitioner by examining the percentage of marks obtained by him and take decision in accordance with law.

4. In the counter-affidavit filed by the respondents it is stated inter alia that the application which was filed by the petitioner for appointment was incomplete but any how she manage to appear in the interview. Petitioner was not found fit for appointment and therefore her name did not appear in the panel of the candidates for appointment.

5. It is well settled that even if name of a candidate is included in the merit list that does not give him indefeasible right to appointment even if vacancy exists. But the State while filling up the vacancies has to act bonafidely. It has been further held that adoption of different policy for filling up the posts cannot be said to be arbitrary. In this connection, reference may be made to the decision of the Supreme Court in the case of Shankarsan Dash Vs. Union of India, .

6. In the instant case, it has been categorically stated in the counter-affidavit that petitioner's name was not included in the panel. Besides the above, admittedly petitioner appeared in the interview and panel was prepared in 1991. For the first time she filed representation in 2001, which was rejected on the ground that her name was not included in the panel and therefore question of appointment does not arise. As noticed above, panel was prepared in 1991. In the year 2000 State of Jharkhand came into existence and before that new policy for appointment was introduced by the Government. I fail to understand as to how panel prepared in 1991 will remain alive for more than 12 years when normally life of the panel is one year.

7. Taking into consideration all these facts, I do not find any merit in this writ application, which is accordingly dismissed.