

(2014) 08 JH CK 0039
In the Jharkhand High Court
Case No : W.P. (S) No. 4325 of 2014

Radhey Shyam Sahu

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 27-08-2014

Acts Referred:

Citation : (2014) 08 JH CK 0039

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Manoj Tandon, Kumari Rashmi, Shiv Shankar and Navin Kr. Singh, Advocate for the Appellant; M.S. Anwar, Sr. Advocate, Rajesh Kumar and Yasir Arafat, Advocate for the Respondent

Judgement

Aparesh Kumar Singh, J.—In the exam being held by the Jharkhand Academic Council (JAC) under the Advertisement No. 39/2013 for the post of Assistant Teacher in Up-graded Secondary Schools in the State of Jharkhand, though petitioner had duly applied, but the respondent JAC has not issued any admit card to him for the exam which is going to be held tomorrow i.e. 28th August 2014.

2. According to the learned counsel for the petitioner, the only apparent reason being that the petitioner is a post-graduate in the subject "Khortha" while rules prescribe eligibility of Graduation in " Khortha" to participate in such an exam for appointment to the post of Assistant Teacher. Counsel for the petitioner has referred to an earlier communication of the Secretary, Human Resources Development Department dated 05th August 2009 (Annexure-16) bearing letter no. 2416, where in respect of a similar exam under Advertisement No. 12/2008, it was clarified to the JPSC that such candidates who are Post Graduate in the tribal language, though they may not be Graduate in such language, be allowed to appear in the exam. He has also referred to the judgment dated 04th September 2012 rendered in the case of Shilpi Gupta vs. The State of Jharkhand through the Secretary/Principal Secretary, Human Resources Development

Department and others in WPS No. 2889/2012 (Annexure-17) whereunder also, the said candidate who was Post Graduate in "Khortha", though not Graduate in " Khortha", was allowed to appear in the exam by the JAC in view of the observations made in the said judgment by the learned Single Bench of this Court. It is submitted that if the petitioner is not allowed to appear in the exam scheduled tomorrow, he would suffer irreparable injury.

3. Learned Senior counsel for the respondent JAC seeks time to obtain instruction and file their counter affidavit. Learned Senior counsel submits that the exam are being held strictly in accordance with the rules which have been framed by the State Government and even in the case of Shilpi Gupta (Supra), final appointment has not been made awaiting guidelines from the Human Resources Development Department.

4. Having regard to the aforesaid facts and circumstances, and submissions made, while granting three weeks time, the respondent Jharkhand Academic Council is directed to allow the petitioner to appear in the exam scheduled tomorrow i.e. 28th August 2014, however provisionally and subject to the outcome of the instant writ petition.

5. Let the case appear after three weeks in the last week of September 2014.

6. Let the order be telephonically communicated by the learned Senior Counsel for the JAC to the Council.

7. Let a copy of the order be also handed over to the counsel for the JAC during course of the day, so that admit card of the petitioner can be issued to him to participate in the ensuing exam.