
(2016) 11 JH CK 0094
In the Jharkhand High Court
Case No : W.P.(S) No. 2327 of 2016

Rajesh Kumar Verma

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 29-11-2016

Acts Referred:

Citation : (2017) 2 JBCJ 189

Hon'ble Judges : Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mrs. Ritu Kumar and Mr. Manoj Kumar Sah, Advocate, for the Petitioners; Ms. Bharti Singh, JC to Sr. SC III, for the Respondent-State; Mr. Binit Chandra, JC to GA (Bihar), for the Respondent Nos. 4 to 6

Final Decision : Dismissed

Judgement

Shree Chandrashekhar, J.—Seeking a direction for appointment on the post of Assistant Teacher in the Primary/Elementary Schools in terms of direction issued by the Supreme Court in Special Leave Petition (C) No. 23187 of 1996 titled "Ram Vinay Kumar and Others v. State of Bihar and Orthers", the petitioners have approached this Court.

2. Heard.

3. Briefly stated, the litigation in respect of appointment pursuant to advertisement dated 08.10.1991 went up to the Supreme Court in Ram Vinay Kumar's case. Vide judgment and order dated 05.09.1997, Supreme Court issued directions to the unified State of Bihar for appointment of untrained teachers after imparting two years' training. The matter was again agitated in a contempt proceeding where under certain directions were issued by the Supreme Court. It further appears that cognizance of directions issued by the Supreme Court in Ram Vinay Kumar's case was taken by Patna High Court in C.W.J.C. No. 13246 of 2003 and batch cases commonly referred to as Nand Kishore Ojha case. Against order passed in the said case the State of Bihar approached

Supreme Court in Special Leave Petition (C) No. 22882 of 2004, in the proceeding of which the State of Bihar filed an affidavit undertaking to grant age relaxation to the candidates in respect of whom directions were issued in the earlier proceeding. However, the undertaking so given by the State of Bihar was not honoured and consequently, Contempt Petition (C) No. 297 of 2007 was filed. In the said contempt proceeding, noticing the problem which had arisen on account of failure to find out a workable solution, direction was issued to the State of Bihar for filling up 34540 vacancies which were advertised in December, 2003. Direction issued by the Supreme Court was a one-time measure. Grievance of the petitioners is that in spite of a report prepared by the Special Education Committee, neither special examination was conducted nor any exercise for appointment of petitioners and other similarly situated persons has been undertaken in the State of Jharkhand. Mrs. Ritu Kumar, the learned counsel for the petitioners referring to the recommendation of Special Education Committee submits that the Special Education Committee recommended that thousands of teachers who are waiting for appointment for more than two decades may be accommodated, after appointing the trained teachers, however, the State has slept over the matter.

4. It is not in dispute that after bifurcation of the erstwhile State of Bihar several recruitment exercises for appointment of Assistant Teachers have been undertaken in the State of Bihar. In the present proceeding, it is not known whether pursuant to advertisement issued by the State of Bihar the petitioners submitted applications for appointment or not ? It is also not known to the Court, whether in the recruitment exercises undertaken in the State of Jharkhand the petitioners participated in the selection process or not ? Be that as it may. It is a matter of record that the applicants, who had raised a grievance against the advertisement issued by the erstwhile State of Bihar, pursued the matter and approached Patna High Court in the year, 2003 also. They agitated the matter continuously before the High Court and the Hon"ble Supreme Court whereas, in the present proceeding it is not reflected from the averments in the writ petition that the petitioners or any other person claiming similar benefit approached this Court or not and to what effect.

5. Considering the aforesaid facts, at this distant point in time, I am not inclined to issue direction to the State for their appointment and accordingly, the writ petition is dismissed.