
(2010) 05 JH CK 0063

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6016 of 2009

Ramanuj Singh, Suresh Kumar Bharati, Ramswaroop Ram
and Lourencia Panna

APPELLANT

Vs

State of Jharkhand and Jharkhand Public Service Commission

RESPONDENT

Date of Decision : 24-05-2010

Acts Referred:

Citation : (2010) 05 JH CK 0063

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioners have prayed for a direction on the Respondents to appoint Headmasters in Taken Over Secondary Schools in Jharkhand on the basis of the result published and the merit list prepared by the Jharkhand Public Service Commission (for short Commission).

2. It has been stated that the Petitioners, being eligible candidates, had appeared in the examination, conducted by the Commission for the purpose of appointment of Headmasters in Secondary Schools, Result of the examination was published in different newspapers on 21st February, 2008. The Petitioners were among the selected candidates. The Government accepted the said select list. Subsequently, the Petitioners came to learn that in another list, 75 candidates were selected for the post of Headmasters. The Petitioners did not get appointment letters. The Petitioners, thereafter, approached the concerned authority. They were informed that appointment letters have not been issued to them, as there was an order of stay on appointment by this Court.

3. It has been further stated that the Respondent No. 3 has issued another notification dated 3rd January; 2009, which is Illegal. However, the names of the Petitioners figured in both the notifications and they are entitled to be appointed on the post of Headmaster like other candidates, who have been appointed.

4. This is one of the writ petitions of the batch cases, which have been filed,

challenging the actions of the State Respondents/Commission in the matter of appointment of Headmasters in Secondary Schools and issuance of two lists of successful candidates for that purpose.

5. In some of the writ petitions, the allegation is that the Petitioners' names appeared as successful candidates and they were selected for appointment on the post of Headmasters in Secondary Schools, but subsequently the revised list was issued in which their names did not appear. They have challenged the legality and propriety of the revised list and have claimed appointment on the said post on the basis of the notification of the successful candidates appearing in the first list.

6. Some of the writ petitions have been filed by those whose names appeared in both the lists i.e. the first list as well as in the revised list. According to the Petitioners, their names also appeared in both the lists.

7. Grievance of the Petitioners is that due to interim order of this Court passed in the batch cases, appointment letters have not been issued by the Respondents even to those candidates, whose names appeared in both the lists.

8. Several interlocutory applications were filed by the writ Petitioners in batch cases for vacating/ modifying the Interim order of this Court. Applications have been also filed on behalf of the State Respondents, urging urgency for appointment of Headmasters in the Secondary Schools and praying for modification of the Interim order of this Court.

9. Considering the urgency of appointment of the Headmasters in the Secondary Schools in the State, this Court has passed order today in I.A. No. 3857 of 2009 in W.P.(S) No. 301 of 2009, giving liberty to the Respondents to make appointment against vacant posts of Headmasters of Secondary Schools of the State, out of the selected candidates, whose names figured in both the lists i.e. in the first list and the revised list, subject to the condition that sufficient numbers of posts shall be kept reserved for the writ Petitioners of the batch cases, so that they may be appointed in case of their success in the writ petitions.

10. Since according to the Petitioners, their names also appeared in both the lists i.e. in the first list and the revised list there is no impediment in issuing appointment letters to them.

11. Mr. R.R. Mishra, learned G.P.II, appearing on behalf of the State, and Mr. Sanjoy Piprawall, learned Counsel, appearing on behalf of the Commission, also have no objection, as similar order has been passed in I.A. No. 3857 of 2009 on their requests and submissions.

12. In view of the above, this writ petition is disposed of, giving liberty to the State Respondents to issue appointment letters to the Petitioners, if their names figured in both the lists i.e. in the first list and the revised list, subject to the condition that sufficient numbers of posts shall be kept reserved for the writ Petitioners of the batch cases, so that they may be appointed in case of their

success in the writ petitions.