
(1991) 03 SC CK 0038

In the Supreme Court Of India

Case No : Civil Appeal No. 1353 of 1991

Ratan Kumar Chaterjee and others

APPELLANT

Vs

State of Bihar and others

RESPONDENT

Date of Decision : 27-03-1991

Acts Referred:

Citation : AIR 1991 SC 1530 : (1992) 40 BLJR 55 : (1992) 65 FLR 852 : (1991) 2 PLJR 75 : (1991) 2 SCC 416 Supp

Hon'ble Judges : Yogeshwar Dayal, J;Kuldip Singh, J;K. Jayachandra Reddy, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Special leave granted.

2. Recruitment to the post of Village Level Workers/Village Extension Workers is governed by the statutory rules called the Village Level Workers and Village Extension Workers (Recruitment and Conditions of Service) Rules, 1987 (hereinafter called 'the Rules').

3. In response to the advertisement dated May 13, 1987, appellants applied for appointment to the post of Village Level Worker/Village Extension Worker. The process of selection was completed and a select list of 152 candidates including the appellants was finalised on November 15, 1987. At that point of time some retrenched employees of the Census Department represented to the Government that on the basis of the Government instructions regarding retrenched employees they had the preferential right for appointment to the above posts and the Select List could not be operated. Subsequently, a writ petition for the said relief was also filed by those retrenched employees in the Patna High Court. It was under these circumstances that the appellants and other selected candidates could not be sent for training. Meanwhile the Government also became conscious of its own instructions providing one year life to the Select Panels. To overcome various objections to the Select List the Government referred the matter to more

than one committees but no final decision could be reached and ultimately the appellants filed a writ petition in the Patna High Court seeking mandamus to the effect that they be sent for training and thereafter be appointed under the Rules. The High Court dismissed the writ petition in limine.

4. It is no doubt correct that due to no fault of the appellants the Select-List remained inoperative with the result that the appellants could not be sent for training. We are of the view that issuing a direction to the State of Bihar to send the appellants for training at this point of time would do more harm than good.

5. In the facts and circumstances of this case we are of the view that the interest of justice would be met if we direct the State of Bihar to initiate process of selection afresh and complete the same in accordance with Rules within six months from the date of the receipt of this order. We do accordingly. We further direct that the appellants and other similarly situated persons shall be considered for selection notwithstanding the fact that some of them have become overage by the time of fresh selection. With these observations the appeal is disposed of with no order as to costs.