

(2009) 03 JH CK 0039
In the Jharkhand High Court

Reeta Kumari and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-03-2009

Acts Referred:

Citation : (2009) 2 JCR 350

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.G.R. Patnaik, J.—Prayer in this writ application is for issuance of a direction to the respondent JPSC to issue admit cards to the petitioners for appearing at the examination scheduled for appointment of Primary Trained Teachers in the State of Jharkhand which was held on 10.8.2008.

2. Contention of the petitioners is that pursuant to the advertisement issued by the JPSC, petitioners had submitted their individual applications within the time stipulated in the advertisement and were expecting to receive their respective admit cards. But the admit cards were not issued to them and on inquiry, it was informed that the candidature of the petitioners have been rejected on the ground that application of some of the petitioners was incomplete in as much as, they had not mentioned the local language in their application form as per the direction contained in the advertisement and other application forms of the other petitioners were not forwarded by the district administration concerned to the office of the JPSC within the time stipulated.

3. A counter-affidavit has been filed on behalf of the respondent JPSC as also on behalf of the respondent No. 2.

4. heard learned Counsel for the petitioners and the learned Counsel for the respondent JPSC.

5. Shri Mahesh Tiwari, learned Counsel for the petitioners, would argue that the

petitioners in this case, have been subjected to discrimination resulting in loss of employment opportunity, even though they had submitted their respective applications within the time stipulated in the advertisement issued by the JPSC and each of these petitioners do possess the requisite qualifications to enable them to appear at the examination.

Referring to paragraph-19 of counter affidavit of the respondent Board, learned Counsel submits that applications of petitioner Nos. 4 to 7 were not forwarded by the concerned authority of the respondents, for which the petitioners cannot be put to fault or to suffer any detriment. As regards the petitioner No. 1, learned Counsel while referring to the counter-affidavit of the respondent No. 2 and also referring to Annexure-1 which is a copy of the application form submitted by the petitioner No. 1, argues that it would be manifest that the application form submitted by the petitioner No. 1, did not suffer from any infirmity whatsoever and cannot be rejected on the purported ground that the local language was not mentioned therein. Learned Counsel explains that the petitioner No. 1 had mentioned specifically "maghi" as the local language in her application form and this would be evident from the copy of the application which is Annexure-1.

As regards the other candidates whose applications have been rejected, on the ground of being incomplete applications, learned Counsel does not raise any issue.

6. Learned Counsel for the JPSC, on the other hand, submits that as far as those candidates whose applications were found incomplete, are concerned, no fault can be found with the JPSC in rejecting their applications and refusing to allow any admit card to them. As regards those petitioners whose applications were not forwarded by the concerned district authorities, the JPSC cannot be put to fault because the JPSC had not received any application of the petitioners at all.

Referring to the judgment of this Court passed in the case of Basanti Kumari Mahato and Anr. v. State of Jharkhand and Ors. WPC No. 4108 of 2008, Shri S. Piperwall, learned Counsel for the JPSC submits that considering a similar situation, this Court had observed that the petitioners having been made to suffer detriment and harassment on account of the lapses on the part of the District Authority, the State Government would be at liberty to take appropriate steps for initiating departmental proceeding against the erring officials for their lapses.

7. Having considered the entire facts and circumstances of the case, it appears that the examination for which the petitioners had applied for, has already been held and is over and, holding a fresh examination for those candidates whose applications were not forwarded within the time stipulated in the advertisement by the District Authority, would be a matter within the exclusive jurisdiction of the JPSC depending upon the Rules framed in this regard and as such, this Court would not be inclined to pass any direction on this issue to the JPSC. Likewise, the matter of initiation of departmental proceeding against the erring officials, is

within the exclusive jurisdiction of the State Government and considering the fact that on account of the lapse of the concerned authorities of the respondent, the State Government may take appropriate action against the erring officials.

8. Though, petitioners who had submitted completed applications but did not receive the admit cards on account of the lapses on the part of the district officials, have suffered mental harassment and financial loss, but since quantum of loss suffered or extent of damage has not been specified, this Court would not be inclined to indulge in those aspects of assessing quantum of compensation. Considering the facts and circumstances particularly the fact that the examination for which the petitioners had applied for, has already been held, no relief in terms of the prayer made by the petitioners can be granted in this writ application.

9. Accordingly, this writ application is dismissed.