

(2013) 05 JH CK 0008
In the Jharkhand High Court
Case No : WP (S) No. 6891 of 2006

Sachida Nand Pandit

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 07-05-2013

Acts Referred:

Citation : (2013) 4 JLJR 108

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Swami Nath Prasad Roy, for the Appellant;

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner has come before this court for directing the respondents to

issue appointment letter of the post of Para Teacher on the basis of his assertion that he was selected by the Committee in its meeting held on 24th

January, 2006. It is also his assertion that he is having qualification of Post Graduate in Arts i.e. M.A. and belongs to OBC category, though the

private respondent i.e. respondent No. 8, Ram Prawesh Rajak is a Science Graduate having qualification of B.Sc. and belongs to Scheduled

Caste. It is his assertion that he was selected by the Committee in its meeting held on 24th January, 2006. The respondents have no basis to deny

him appointment.

2. Learned counsel for the respondents submits that the petitioner never appeared before the Aam Sabha which is authorized to recommend the

candidates for selection as Para Teacher, as is also evident from his own representation contained at Annexure-4 addressed to the Deputy

Commissioner, Sahebganj. It is further submitted that the respondent No. 8 was

a Science Graduate belonging to the Scheduled Caste Category

while the petitioner was having a qualification of Post Graduate in Arts. It is submitted that the petitioner having not been recommended by the

Aam Sabha as would also be evident from the enclosure annexed as Annexure-2 by the petitioner himself, he cannot claim appointment to the post

of Para Teacher in the school in question. According to the respondents, they undertook inquiry to inquire into the allegation made in respect of the

selection in question and in the inquiry, it was found that the petitioner has not appeared before the Aam Sabha. In these circumstances, no relief

should be granted to the petitioner. The appointment of respondent No. 8 is also not under challenge in the present writ application, though he has

been made party.

3. I have heard learned counsel for the parties at length. From the submission and the facts brought on record, it is evident that the petitioner did

not appear before the Aam Sabha which made recommendation for appointment of respondent No. 8 as Para Teacher who was found to be a

Science Graduate. The allegation of the petitioner that the meeting of the selection committee was in haste, was, however, inquired into by the

respondents themselves who found that the petitioner had not appeared before the Aam Sabha in question where the respondent No. 8 had been

recommended for appointment as Para Teacher. The villagers were also questioned and it was found that they were present before the Aam

Sabha held on 24th January, 2006 whereas the petitioner was absent while the respondent No. 8 was present. In these circumstances, the

petitioner having failed to make out any case for interference in the writ application, hence no relief can be granted to him. The appointment of

respondent No. 8 is also not under challenge in the present writ application. The writ petition is accordingly dismissed.