
(2016) 08 JH CK 0035
In the Jharkhand High Court
Case No : W.P. (S) No. 5351 of 2015

Sachidanand Singh

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 05-08-2016

Acts Referred:

Constitution of India, 1950 — Article 16

Citation : (2016) 3 AIRJharR 664

Hon'ble Judges : Mr. H.C. Mishra, J.

Bench : Single Bench

Advocate : Mr. Prabhat Kumar Sinha, Advocate, for the Petitioner; M/s D.K. Dubey, Sr. S.C.-I and Ruchi Rampuria, JC to Sr. SC-I, for the Respondent/State

Final Decision : Dismissed

Judgement

Mr. H.C. Mishra, J.— Heard learned counsel for the petitioner and learned counsel for the respondent State.

2. The petitioner has filed this writ application claiming appointment on the post of Technical Assistant in the Department of Animal Husbandry, Government of Jharkhand, Ranchi, for which examinations were conducted and it is claimed that the petitioner should have been declared successful, as he had bagged 79.25 marks. It is the claim of the petitioner that the petitioner is also entitled for weightage of 90 marks, as was given to the other candidates.

3. The facts of the case lie in a short compass. The then erstwhile State of Bihar came out with a scheme known as "Semen Bank Project" and ad hoc appointments were made against Class-III posts of Technical Assistants, on temporary and short term basis, in which, the petitioner was also appointed along with other candidates. Subsequently, it was found that appointments of the candidates were irregularly made and accordingly, services of all those candidates, including the petitioner were terminated.

4. That order was challenged by several persons before this Court and the matter

ultimately went up to the Apex Court, in Civil Appeal Nos. 5342-5343 of 2003 and Civil Appeal No. 2018 of 2006. Civil Appeal No. 2018 of 2006 was disposed of by order dated 10.4.2006, as contained in Annexure-3 to the writ application, in which, there was a direction for making appointments after advertising the posts and giving weightage to the ad hoc employees, who were appointed in the said Project in between 1988-1992 and whose services were terminated in the year 1998. Pursuant to the said direction ultimately, advertisement was issued and the petitioner also appeared in the examination. The petitioner bagged 79.25 marks, and he claims to be appointed as Technical Assistant on the basis of 79.25 marks bagged by him in the examination. It is also claimed that weightage of 90 marks ought to have been given to the petitioner also, as were given only to the candidates who were the appellants before the Supreme Court of India, which ought to have been given to all the similarly situated candidates, irrespective of the fact whether they were the appellants before the Apex Court or not.

5. The counter affidavit has been filed by the State Government, in which, the minutes of selection committee has been brought on record. The said minutes show that the last selected candidate, who had been appointed in general category, to which the petitioner also belonged, had bagged 98 marks, and apart from that he was also given the weightage of 90 marks.

6. Learned counsel for the petitioner has submitted that the petitioner also ought to have been appointed giving him the weightage of 90 marks, which was illegally denied to the petitioner.

7. Learned counsel for the State has pointed out from the counter affidavit that the last selected candidate in the general category, who was appointed pursuant to the advertisement issued under the direction of the Supreme Court, had bagged 98 marks and he was also given the weightage of 90 marks. It is pointed out that the petitioner had obtained less than 98 marks, i.e., 79.25 marks only, and accordingly, there was no question of selection/appointment of the petitioner even if the weightage of 90 marks was given to the petitioner. It is also pointed out that the available vacancies were filled up pursuant to the direction of the Supreme Court.

8. Having heard learned counsels for both the sides and upon going through the record, I find that the question as to whether the petitioner was entitled to weightage of 90 marks or not, is only of academic value in the facts of this case, inasmuch as, even if the petitioner is given the weightage of 90 marks for arguments sake, the petitioner shall not come within the consideration zone for appointment. The last candidate who has been appointed from the general category, to which the petitioner also belonged, had bagged 98 marks leaving aside the weightage of 90 marks. After adding the weightage of 90 marks, the last candidate had bagged altogether 188 marks. For the sake of arguments, even if 90 marks of weightage is allowed to the petitioner also, still he will be bagging lesser marks than the last candidate, who had been appointed in the

general category.

9. In that view of the matter, no case is made out for any direction for appointment of the petitioner.

10. There is no merit in this writ application and the same is accordingly, dismissed.