
(2020) 08 JH CK 0305

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1898 of 2020

Sadique Anwar Rizvi And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 31-08-2020

Acts Referred:

Citation : (2020) 08 JH CK 0305

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Manoj Tandon, Mohan Kumar Dubey

Final Decision : Disposed Of

Judgement

Heard Mr. Manoj Tandon, learned counsel for the petitioners and Mr. Mohan Kumar Dubey, A.C. to A.G., learned counsel for respondents- State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

The petitioners have preferred this writ petition for direction upon the respondents to confirm the services of the petitioners as the petitioners were appointed in Jharkhand Police Service by 2nd Combined Civil Services Examination and they have also cleared all the departmental examinations conducted by the respondents. Further prayer is made for consideration of case of the petitioners for promotion to the post of Additional Superintendent of Police as also to initiate the process of considering their cases of promotion to Indian Police Services which is underway in respect of other similar situated persons of the batch of petitioners.

Mr. Manoj Tandon, learned counsel appearing for the petitioners submits that both the petitioners were appointed on 12.08.2008 in Jharkhand Police Service

pursuant to 2nd Combined Civil Services Examination conducted by Jharkhand Public Service Commission. Both the petitioners joined on 16.08.2008. He submits that the petitioners appeared in departmental examination and they were declared successful. For confirmation, departmental examination is necessary. The result of departmental examination was issued on 17.06.2010 in which the name of petitioners appeared at serial nos.14 and 11 respectively. The petitioners have also passed other departmental examinations and the results were published on 24.01.2014 and 22.06.2015. The petitioners have also cleared their basic training at PTC, Hazaribagh and both were declared successful by PTC, Hazaribagh. Learned counsel for the petitioners submits that Arvind Kumar Singh and Vijay Aashish Kujur were also appointed through the same 2nd Combined Civil Services Examination in the Jharkhand Police Service but their services have been confirmed on 17.11.2011 itself by different orders issued by Home Department, Government of Jharkhand whereas the petitioners have been left out. This fact has been disclosed in Paragraph 9 of this writ petition. The petitioners have also passed Hindi examination on 22.06.2015 conducted by the respondents for purpose of confirmation of their services. The petitioners have filed representations by way of Annexures-4, 5 and 5/1. He further submits that number of persons of Administrative Service of petitioners' batch were considered for promotion whereas the petitioners have been left out. In that view of the matter, the case of the petitioners are required to be considered by the respondents.

Mr. Mohan Kumar Dubey, learned counsel for respondents-State submits that he is not in a position to say as to why the confirmation of the petitioners have not been taken place as yet in view of the fact that he is not able to take instruction and has not filed counter affidavit. He submits that if the Court allows, he will file counter affidavit to that effect. He further submits that matter with regard to 2nd Combined Civil Services Examination conducted by Jharkhand Public Service Commission is pending before the Hon'ble Supreme Court.

Considering this aspect of the matter that the services of others, who have been appointed through the 2nd Combined Civil Services Examination in the Jharkhand Public Service Commission, have been confirmed but the petitioners have been left out and the petitioners have already passed several examinations which is necessary for confirmation of the post and in the statement made at Paragraph 9 of this writ petition name of persons have been disclosed whose services have been confirmed, who have been appointed through the same 2nd Combined Civil Services Examination but the petitioners have been left out. This needs to be come out in the reasoned order passed by the respondents-State. In Paragraph 14 of this writ petition, it is stated that the number of persons of Administrative Service (2nd Batch) were considered for promotion and by notification dated 26th June, 2019 they were promoted to the higher post in the rank of Sub Divisional Officer.

In view of all these facts, the Court comes to conclusion that this is a fit case to

be considered by the respondents-State at the first instance. Accordingly, the petitioners are directed to file fresh representation before the respondent no.2 within a period of one week. If such representation is filed along with all the credentials as well as the documents on which the petitioners are relying, the respondent no.2 shall consider the case of the petitioners in accordance with rules, regulations and precedents particularly keeping in view Paragraph Nos. 9 and 14 of this writ petition and will pass reasoned order within a period of six weeks thereafter.

With the above observation and direction, this writ petition stands disposed of.