

(2021) 02 JH CK 0111
In the Jharkhand High Court
Case No : Writ Petition (S) No. 338 Of 2021

Sanjay Kumar And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 11-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0111

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Amritansh Vats, Shadab Bin Haque, Tejo Mistry

Final Decision : Disposed Of

Judgement

1. Heard Mr. Amritansh Vats, learned counsel for the petitioners, Mr. Shadab Bin Haque, learned counsel for the respondent-State and Mr. Tejo

Mistry, learned counsel for the respondent-Jharkhand Staff Selection Commission.

2. 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 on merit.

3. The petitioners have preferred this writ petition for direction upon the respondents to appoint the petitioners on the post of Trained Graduate

Teacher (TGT) in the subjects of History and Civics.

4. Mr. Amritansh Vats, learned counsel appearing for the petitioners submits that pursuant to Advertisement No.21 of 2016, the petitioners applied for

the post of Trained Graduate Teacher (TGT) for Districts Palamau, Garhwa, Chatra, Dhanbad, Bokaro, Koderma, Giridih and Godda in the subjects

of History and Civics. The petitioners appeared in both the examinations i.e. compulsory and mains examination and after successfully qualifying in

both the examinations, the petitioners were called for counselling/document verification vide different notifications dated 04.10.2018 and 14.12.2018

published in the website of Jharkhand Staff Selection Commission in which the roll numbers of the petitioners are also appearing in Palamau, Garhwa,

Chatra, Dhanbad, Bokaro, Koderma, Giridih and Godda, subjects History and Civics. The petitioners had appeared in document verification

procedure/counselling in the light of aforesaid notification for District Palamau, Garhwa, Chatra, Dhanbad, Bokaro, Koderma, Giridih and Godda in the

subjects of History and Civics and during the said counselling, the petitioners had submitted all the relevant documents including educational

qualification and as per the demand of JSSC, the respondent-JSSC had successfully accepted the relevant documents without any objection from any corner.

5. Mr. Amritansh Vats, learned counsel for the petitioners further submits that now the matter can be disposed of in the light of the judgment passed

by the Full Bench of this Court in the case of Soni Kumar & Others vs. The State of Jharkhand & Others delivered in W.P.(C) No.1387 of 2017 vide

order dated 21.09.2020 particularly Para 66 which is quoted herein below:-

66. We also propose to make it abundantly clear that by the ad interim order dated 18.9.2019 passed by this Court in these writ applications, the

selection process was never stayed by the Court in the non-scheduled districts, though, as informed to us, it had erroneously been taken by the State

Government like that. There was no stay for appointments on any post in the non-scheduled districts, or for that matter there was no stay for the

appointments even in the scheduled districts, rather, only the operation of the Notification No. 5938 dated 14.7.2016 was stayed by this Court. In other

words, the appointments could be continued to be made even in the scheduled districts, ignoring the aforesaid notification.

6. Mr. Amritansh Vats, learned counsel for the petitioners also submits that the petitioners are belonging from non-scheduled districts and there is no

stay of operation and in view of the observation made in Paragraph 66 of the Full Bench judgment, the writ petition can be disposed of for considering

the case of the petitioners.

7. Mr. Tejo Mistry, learned counsel appearing for respondent-Jharkhand Staff Selection Commission submits that the writ petition can be disposed of

only to the effect that the JSSC will examine as to whether the petitioners are coming under the zone of consideration or not and if they are under the

zone of consideration, appropriate order will be passed.

8. In view of above facts and considering the submission of learned counsel for the parties, the writ petition is being disposed of with direction to the

petitioners to file fresh representation before respondent no.2 within a period of three weeks from today. If such representation is filed before

respondent no.2, he will take a decision in accordance with the observations made in Full Bench judgment in the case of Soni Kumari (supra) and he

will examine as to whether the petitioners are coming within the zone of consideration or not. The respondent no.2 will pass appropriate reasoned

order within a period of eight weeks thereafter.

9. With the above observations and directions, this writ petition stands disposed of.