
(2016) 03 JH CK 0107
In the Jharkhand High Court
Case No : W.P.(S) No. 1576 of 2016.

Sanjiv Kumar and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 30-03-2016

Acts Referred:

Constitution of India, 1950 — Article 226
Jharkhand Warden Cadre (Appointment and Promotion and Service Conditions)
Regulations, 2013 — Clause 3(c)

Citation : (2016) 2 JBCJ 519 : (2016) 3 JCR 433

Hon'ble Judges : Virender Singh, C.J.; Shree Chandrashekhar, J.

Bench : Division Bench

Advocate : Vijay Kant Dubey, Advocate, for the Appellant; Binod Poddar, Advocate General, Anil Kumar, J.C. to A.G, for the Respondent

Final Decision : Allowed

Judgement

Virender Singh, C.J. - Heard Mr. Vijay Kant Dubey, learned counsel appearing on behalf of the petitioners and Mr. Binod Poddar, learned Advocate General assisted by Mr. Anil Kumar, appearing on behalf of the State.

2. It appears that the issue involved in the instant writ petition is similar to that of WP(S) No. 4351 of 2015 and other matters of the similar nature, pending in this Court, wherein by way of different orders, the petitioners therein were permitted to submit their application forms for the purposes of appearing in the Examination. Learned counsel for the petitioners has placed on record the Photostat copies of the orders passed in different writ petitions. Be tagged these orders.

3. Petitioners seek for issuance of direction to the respondents to quash part of the Notification [Clause (8) (C) of the Jharkhand Warden Cadre (Appointment/Promotion and Service Conditions) Regulation, 2013] as contained in Memo No. 3559 dated 16.07.2013 issued by respondent No. 4, whereby and where under, while fixing the educational qualification, it has been mentioned that only the

persons, who have passed Class-X from educational institutions of Jharkhand, are eligible to be selected for the post of Drivers.

4. The insertion of the aforesaid Clause in the Notification, prima facie, appears to be in contravention of Article 16(2) of the Constitution of India. Article 16 is spread of Article 14 of the Constitution. We, therefore, entertain the instant petition and admit it for its final consideration.

5. Counsel for the petitioners submits that last date of submission of the application form is 30.03.2016. He submits that the petitioners may be granted liberty to submit their application forms by tomorrow i.e. on 31.03.2016 through the mode already indicated in the advertisement notice. Prayer made by the learned counsel for the petitioner is accepted. Respondent No. 6 is directed to accept the application forms of the petitioners for the post of Drivers on their submission.

6. Let the instant petition be heard along with W.P.(S) No. 4351 of 2015 and the other petitions involving the same issue.

7. In view of the large number of petitions filed in this Court and the issue involved therein, it would be most appropriate and in the interest of justice also, if all other such like candidates, who have not submitted their application forms till date on account of the aforesaid stipulation, as referred to herein above are now allowed to submit their respective application forms. The State is directed to extend the last date of accepting of the application forms at least by three weeks from 30.03.2016. To make it more clear, let the last date be now as 20.04.2016. Necessary corrigendum be notified in this regard by the State on or before 04.04.2016. It shall also be circulated through widely circulated newspapers Hindi/English.

8. At this stage, Mr. Anil Kumar, J.C. to A.G. accepts notice on behalf the respondent-State. Service is thus complete.

9. List again on its usual turn.

10. Copy of the order shall be provided to the learned counsel appearing for the petitioners and to the assisting counsel to Mr. Poddar during the course of the day under the seal and signature of the Court Master of the Court.