

(2002) 08 JH CK 0050
In the Jharkhand High Court
Case No : CWJC No. 2226 of 2001

Satyanarain Das and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-08-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 08 JH CK 0050

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A.K. Mehta and M.V. Chandra, for the Appellant; K.K. Singh, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This case relates to appointment against Class IV posts of Peon in Deoghar Collectorate and in the office of Civil Surgeon-cum-Chief Medical Officer, Deoghar.

2. According to the petitioners, all of them were working on daily wages basis since 1982 onwards. In pursuance of court's direction in CWJC No, 8779 of 1995, passed by Patna High Court on 23rd August, 1996/scheme was formulated by the State to fill up Class IV posts in pursuance of the advertisement. The respondents issued advertisement on 7th March, 1997 from Deoghar Collectorate, published in newspaper "Hindustan", calling for applications for appointment against 66 Class IV posts of Peon and 19 posts of Jeep Driver. The petitioners in pursuance of the advertisement applied and appeared in the interview. The Selection Committee vide its meeting and proceeding dated 9th July, 2000 prepared a select list of candidates signed by the members of the Selection Committee vide Annexure 6. The names of the persons were shown to have been selected for appointment against Class IV posts in the office of Deputy Commissioner, Deoghar and Civil Surgeon-cum-Chief Medical Officer, Deoghar. The names of all the petitioners have been shown in the list for appointment in the office of Civil Surgeon-cum-Chief Medical Officer, Deoghar except petitioner

No. 3 Mahendra Pandit, whose name has been shown for appointment in the office of Deputy Commissioner, Deoghar.

3. According to the petitioners, the Deputy Commissioner Deoghar, thereafter, vide Memo No. 338 dated 12th July, 2000 while took into consideration the contempt proceeding pending for non-compliance of the court's order, mentioned therein that the orders for appointment against Class IV posts have already been issued. However, the petitioners have not been forwarded with any copy of the recommendation nor provided with the orders of appointment by the concerned authority.

4. Respondents were allowed time on 1st June, 2001 to file counter affidavit with clear indication that the case may be disposed of at the stage of admission. Learned J.C. to Additional Advocate General informed that inspite of intimation, he has not received any instruction.

5. Having regard to the facts and circumstances, I allow the petitioners to bring this order to the notice of the Deputy Commissioner, Deoghar. They will file representation(s) enclosing therein the photostat copy of the proceeding of Selection Committee dated 9th July, 2000 (Annexure 6), the copy of Memo No. 338 dated 12th July, 2000 (Annexure 7) and a copy of this order. The Deputy Commissioner in its turn will find out as to whether the petitioners have actually been selected and recommended for appointment against Class IV posts or not and will pass appropriate order and communicate the decision to the petitioner(s) within six weeks from the date of receipt of such representation(s).

6. It is needless to say that if they were selected in pursuance of the advertisement and before the High Court it was brought to the notice that appropriate order has been issued, the authority will be bound to forward the offer of appointment to the individuals and cannot refuse the same on the ground that the panel lapsed, as the petitioners moved before this Court during the life time of the panel.

7. If any adverse decision is taken, grounds to be communicated to such petitioner(s).

8. The writ petition stands disposed of with the aforesaid observations and directions.